

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL) MDL No. 2804
5 PRESCRIPTION OPIATE)
6 LITIGATION,) Case No.
7) 1:17-MD-2804
8)
9 THIS DOCUMENT RELATES TO) Hon. Dan A.
10 ALL CASES) Polster
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8 — — —
9 Thursday, January 10, 2019
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11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12 CONFIDENTIALITY REVIEW
13 — — —
14

15 Videotaped Deposition of ROXANNE REED,
16 held at 4206 South J.B. Hunt Drive, Rogers,
17 Arkansas, commencing at 8:08 a.m., on the
18 above date, before Debra A. Dibble, Certified
19 Court Reporter, Registered Diplomate
20 Reporter, Certified Realtime Captioner,
21 Certified Realtime Reporter and Notary
22 Public.
23
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1 PROCEEDINGS

2 (January 10, 2019 at 8:08 a.m.)

3 THE VIDEOGRAPHER: We are now

4 on the record. My name is

5 Chris Ritona. I'm the videographer

6 for Golkow Litigation Services.

7 Today's date is January 10, 2019. The

8 time is approximately 8:08 a.m. This

9 video deposition is being held in

10 Rogers, Arkansas at Mitchell Williams,

11 4206 South J.B. Hunt Drive, Suite 200,

12 in the matter of National Prescription

13 Opiate Litigation, MDL No. 2804, Case

14 No. 17-MD-2804. U.S. District Court,

15 Northern District of Ohio, Eastern

16 Division.

17 The deponent today is

18 Roxanne Reed. The court reporter

19 today is Debbie Dibble. Counsel will

20 now please -- will counsel note

21 themselves for the stenographic

22 record?

23 MS. FUMERTON: Tara Fumerton on

24 behalf of Walmart and the witness.

25 MR. McDONELL: Jason McDonell,

1 Jones Day, also on behalf of Walmart
2 and the witness.

3 MR. MORRIS: Paul Morris from
4 Walmart legal.

5 MR. FAIRLEY: Carter Fairley on
6 behalf of Cardinal.

7 MR. VO: Caley Vo, Wright
8 Lindsey & Jennings, on behalf of
9 McKesson.

10 MR. INNES: Michael Innes,
11 Carella Byrne, on behalf of plaintiffs
12 in the MDL.

13 MR. BOWER: Zach Bower, also
14 Carella Byrne, on behalf of plaintiffs
15 in the MDL.

16 THE VIDEOGRAPHER: Will the
17 court reporter please swear in the
18 witness.

19 (Telephonic interruption.)

20 THE VIDEOGRAPHER: Anyone on
21 the phone remotely, please identify
22 yourselves for the record as well.

23 MR. MILLER: Hi. This is
24 Jake Miller from Arnold & Porter on
25 behalf of the Endo and Par defendants.

1 MS. FREEL: Hi, this is
2 Angela Freel with Jackson Kelly on
3 behalf of AmerisourceBergen Drug Corp.

4 MS. NOWAK: This is
5 Darlene Nowak for Marcus & Shapira, on
6 behalf of HBC Services.

7 ROXANNE REED,
8 having first been duly sworn, was examined
9 and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BOWER:

12 Q. Would you please state your
13 full name and spell your last name for the
14 record?

15 A. Roxanne Reed, R-E-E-D.

16 Q. And good morning, Ms. Reed.
17 Thank you for being here today.

18 Have you ever given a
19 deposition before?

20 A. I have not.

21 Q. Okay. So just before we get
22 started, we'll go over a few ground rules to
23 hopefully make your day a little bit easier.
24 Okay?

25 A. Okay.

1 Q. First, and perhaps most
2 important, is if I ask a question and you
3 don't understand it, please let me know.
4 Okay?

5 A. Okay.

6 Q. Okay. So if you don't
7 understand the question, I will try to
8 rephrase it so that we can both be on the
9 same page. Okay?

10 A. Okay.

11 Q. If you do not let me know that
12 you don't understand a question, I will
13 assume that you do understand the question.

14 Do you understand that?

15 A. Yes.

16 Q. Also very important, if a
17 question calls or an answer calls for a "yes"
18 or "no," please provide a verbal answer and
19 don't shake your head. That way, the court
20 reporter can take down your answer. Okay?

21 A. Okay.

22 Q. Any questions you have before
23 we begin?

24 A. No.

25 Q. Is there any reason or anything

1 that would prevent you from testifying
2 truthfully today?

3 A. No.

4 Q. And if you want to take a break
5 at any time, please let us know and we'll do
6 so. I just ask that you would answer any
7 question that's pending.

8 Do you understand that?

9 A. Okay.

10 Q. So when we get started, I'm
11 going to give you a couple of documents to
12 kind of get us started, which is going to be
13 your annual performance review. So that will
14 help us kind of frame our discussion.

15 (Walmart-Reed Deposition
16 Exhibit 1 was marked for
17 identification.)

18 Q. (BY MR. BOWER) I don't want
19 this to be a guessing game here. And also
20 I'm going to give you your LinkedIn profile.

21 A. Okay.

22 (Walmart-Reed Deposition
23 Exhibit 2 was marked for
24 identification.)

25 Q. (BY MR. BOWER) And you can

1 certainly review those as we go throughout
2 the day. I don't have any questions on them
3 right now. I just wanted you to have them in
4 case you need to refer to them. Okay?

5 A. Okay.

6 Q. So I just want to start this
7 morning with a bit of your background.

8 A. Okay.

9 Q. And kind of your earlier years
10 at Walmart.

11 MS. FUMERTON: And, Zach, just
12 to make sure, this is going to be
13 Exhibit 1?

14 MR. BOWER: Yeah, sorry.
15 That's important for the record.
16 Thank you.

17 I believe that Exhibit 1 is
18 your LinkedIn profile. And Exhibit 2
19 will be your performance review.

20 THE WITNESS: Okay.

21 MR. BOWER: Okay?

22 Thank you for that, Tara.

23 MS. FUMERTON: And so you don't
24 want her to take time to review this
25 now. We'll just have it.

1 MR. BOWER: She can review it
2 as questions come up. I just want her
3 to have it there. If she needs to
4 refer to it, certainly do. But
5 there's no reason to review it at the
6 moment.

7 MS. FUMERTON: Okay. Can I
8 just at least let her, then, flip
9 through the review just to see what's
10 in it?

11 MR. BOWER: Sure.

12 MS. FUMERTON: I'm not sure she
13 would understand -- this would even be
14 helpful for a question.

15 Q. (BY MR. BOWER) While you're
16 doing that, are you able to see your
17 performance reviews at Walmart?

18 A. Yes.

19 Q. So you've seen this document?

20 A. Yes. We receive them when we
21 actually do the review.

22 Q. Okay. Yes, so why don't you
23 flip through it and just familiarize yourself
24 with it, and then we'll start at least
25 briefly on kind of your early days at

1 Walmart.

2 A. Okay.

3 Q. Okay. Thanks. And certainly
4 if I ask specific questions on this or you
5 need to refer to it throughout the day,
6 please do so --

7 A. Okay.

8 Q. -- okay?

9 So can you just describe
10 briefly for us your -- any education that you
11 received after high school?

12 A. Yes. I went to Arkansas Tech
13 University. I have a major in chemistry and
14 a minor in biology.

15 Q. Okay. And then what did you do
16 immediately after graduating from
17 Arkansas Tech?

18 A. I worked for a water filtration
19 company. And then a liquor store part time.

20 Q. Okay. And then you graduated
21 in approximately 2006; is that correct?

22 A. Yes. December 2006.

23 Q. Okay. And then in 2007, you
24 began working at Walmart; is that correct?

25 A. Yes.

1 Q. And what was your first job at
2 Walmart?

3 A. It was an optical contract
4 coordinator.

5 Q. Can you just describe very
6 briefly what that means?

7 A. Yes. Walmart contracts with
8 optometrists, and so I worked on the team
9 that helped manage those leases with the
10 optometrists.

11 Q. And those optometrists lease
12 space in Walmart facilities?

13 A. Yes.

14 Q. And then what was your next job
15 at Walmart?

16 A. It was an audit manager with
17 health and wellness compliance.

18 Q. Can you just describe briefly
19 what that means?

20 A. Yes. We audited health and
21 wellness compliance programs, things like our
22 partial bill program and Medicaid
23 tamper-resistant prescriptions.

24 Q. And that was from approximately
25 October 2008 to April 2010?

1 A. Yes.

2 Q. Okay. And I'm referring to
3 Exhibit 1, which is your LinkedIn profile.

4 A. Mm-hmm. (Witness nods.)

5 Q. During that -- strike that.

6 In that position, did you have
7 any involvement in Walmart's suspicious order
8 monitoring?

9 A. No.

10 Q. Did you have any involvement in
11 the distribution of Schedule II narcotics?

12 A. No.

13 Q. And then, what did you --

14 MR. MILLER: I'm sorry, I
15 apologize. On the phone, I don't know
16 if others can hear, but I can hear
17 almost nothing.

18 MS. NOWAK: Same here.

19 MR. BOWER: All right. Well,
20 why don't we go off the record for a
21 moment and we'll try to rearrange the
22 phone.

23 THE VIDEOGRAPHER: 8:15. We
24 are off the video record.

25 (Recess taken, 8:16 a.m. to

1 8:16 a.m.)

2 THE VIDEOGRAPHER: 8:17. We
3 are on video record.

4 Q. (BY MR. BOWER) All right.
5 Let's continue where we left off, then.

6 After your position as a health
7 and wellness audit manager, what was your
8 next position at Walmart?

9 A. It was a systems manager in
10 health and wellness compliance.

11 Q. And what -- how did your duties
12 and responsibilities change with that change
13 in title?

14 A. I started focusing more on data
15 and analytics, and system-related things,
16 databases, queries, that kind of thing.

17 Oh, I guess technically the
18 next position was a compliance analyst.
19 Sorry, I skipped a position.

20 Q. That's fine. That's why I
21 wanted to supply this, to kind of make sure
22 we get it right.

23 A. Yes.

24 Q. So the compliance analyst
25 position was before the systems manager; is

1 that correct?

2 A. Yes.

3 Q. And you held the compliance
4 analyst position for approximately three and
5 a half years?

6 A. Yes.

7 Q. Okay. And then just briefly,
8 what did you do as a health and wellness
9 compliance analyst?

10 A. I created databases, created
11 reports, pulled data. Anything data and
12 analytics-related.

13 Q. And just generally, what do you
14 mean by "analytics"?

15 A. So any kind of reports that
16 they needed. If -- for audit purposes, if we
17 needed to pull data and then find trends and
18 see if some -- find out why or -- it's that
19 kind of thing.

20 Q. And who would ask you to pull
21 this data?

22 MS. FUMERTON: Objection to
23 form.

24 MR. BOWER: I'll strike that.

25 Q. (BY MR. BOWER) Your answer

1 referred to reports that they needed.

2 A. Yes.

3 Q. Who is the "they"?

4 A. Our team supported all of
5 health and wellness compliance. So requests
6 could come from billing compliance. Anything
7 billing-related. It could come from the
8 audit team. Practice compliance. HIPAA.

9 I worked most often with HIPAA
10 in the 2010 through 2013 frame.

11 Q. And just generally -- well,
12 maybe for the record, what do you mean by
13 "HIPAA"?

14 A. HIPAA is our privacy team,
15 Health Information Protection.

16 Q. And just --

17 A. Yeah.

18 Q. -- at a very high level, what
19 would you do for those HIPAA requests?

20 A. So I built the database that
21 they used to manage potential breaches if
22 somebody in a pharmacy received information
23 that wasn't their own.

24 Q. Can you just describe what that
25 means? What do you mean when you say "I

1 built the database that" used -- that "was
2 used to manage potential breaches"?

3 A. So I built a database that the
4 team used to track when -- when a breach
5 occurred. So if a patient received another
6 patient's pamphlet that had their name on it,
7 that would be a potential HIPAA breach.

8 And I built the database that
9 managed that. It did some risk scoring. It
10 helped create a notification letter, if
11 needed. And then tracked whether the OCR was
12 notified of those incidents.

13 Q. And what is an OCR?

14 A. The -- I don't know what the
15 exact acronym stands for.

16 Q. Okay. What does --

17 A. It's a regulatory agency.

18 Q. Okay. Thank you.

19 And what do you mean by "risk
20 scoring"?

21 A. It was a way for the team to
22 identify what information was potentially
23 released, and then the risk of that
24 information being used inappropriately.

25 Q. And how would you determine

1 what the risk was?

2 A. That was not me. I built the
3 database. And so there were multiple factors
4 that went into -- went into that, including
5 things like what is the Social Security
6 number involved, and what the potential harm
7 to the patient would be if that information
8 were released.

9 Q. Okay. So someone else provided
10 you with that information. You simply built
11 into a database; is that correct?

12 A. Yes. Yes.

13 Q. I'm sorry, another instruction
14 I should have given is -- I apologize I
15 didn't. Just please -- I know it's difficult
16 sometimes -- let me finish my question.

17 A. Sorry.

18 Q. So the -- just to make it easy
19 on the court reporter so that she can take
20 down the question, then your answer, and give
21 your attorney an opportunity to object.
22 Okay?

23 MS. FUMERTON: Yes. You're
24 both actually starting to interrupt
25 each other a little bit, so just slow

1 it down a little bit to make sure he's
2 finished, and then if you could also
3 do the same, make sure she's finished.

4 Q. (BY MR. BOWER) And then when
5 did you first become in Walmart's suspicious
6 order monitoring program?

7 A. So I officially started working
8 with the suspicious order monitoring program
9 in July of 2015, when I moved into the senior
10 analyst of controlled substances position.

11 Q. Okay. And you're referring
12 now, if we look at Exhibit 1, your LinkedIn
13 page, the one at the top there, senior
14 analyst, "Health and Wellness Controlled
15 Substances"?

16 A. Yes.

17 Q. I want to take a step back,
18 though, before we get there. So if we look
19 at Exhibit 2, okay? If you note there on the
20 first page, work with -- at the bottom of the
21 first page, "Work with Mu Sigma."

22 Do you see that?

23 A. Yes.

24 Q. And it's "Work with Mu Sigma on
25 the delivery of their rolling 30-60-90 day

1 plan to achieve analytic objectives for the
2 roadmap for Q1." Do you see that?

3 A. Yes.

4 Q. Was that in connection with
5 Walmart's SOM algorithm?

6 A. No, sir.

7 Q. What was that in connection
8 with?

9 A. That was with our metrics for
10 compliance programs and Tableau dashboards
11 that were created as a result of that.

12 Q. Is Mu Sigma a third party? Or
13 is it part of Walmart?

14 A. A third party.

15 Q. Did Mu Sigma also assist in
16 Walmart's -- strike that.

17 Did you also work with Mu Sigma
18 in connection with thresholds for -- in
19 connection with Walmart's SOM program?

20 MS. FUMERTON: Objection, form.

21 Q. (BY MR. BOWER) At any time,
22 then.

23 MS. FUMERTON: Objection, form.

24 And if I object, unless I instruct you
25 not to answer, you still go ahead and

1 answer his question.

2 THE WITNESS: Okay.

3 MS. FUMERTON: He may or may
4 not rephrase it. He may just ask you
5 to answer as stated.

6 THE WITNESS: Okay.

7 I did not.

8 Q. (BY MR. BOWER) Okay. Did
9 anyone in Walmart perform that function at
10 any time?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: So did anybody
13 work with Mu Sigma?

14 Q. (BY MR. BOWER) In connection
15 with Walmart's SOM, yes.

16 A. Yes. My understanding is
17 Walmart did work with Mu Sigma.

18 Q. Okay. Do you know who would
19 have done that work with Mu Sigma?

20 A. Kristy Spruell.

21 Q. Do you have any knowledge as to
22 when that work may have been done?

23 A. I do not.

24 Q. Was it already underway when
25 you -- in July of 2015?

1 A. When I joined the team, we were
2 no longer using Mu Sigma.

3 Q. So when you joined the team in
4 July of 2015, the thresholds that Mu Sigma
5 had worked on with Kristy were no longer in
6 place; is that correct?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: That is not
9 correct.

10 Q. (BY MR. BOWER) Okay. What --
11 how would you correct that statement?

12 A. So Mu Sigma was no longer
13 involved in the process. Thresholds were
14 most definitely in place.

15 Q. Okay. So when you started
16 working on the team in July 2015, the
17 thresholds that Mu Sigma was involved in were
18 still in place in connection with monitoring
19 for controlled substances; is that correct?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: When I started
22 working on the team, thresholds were
23 being used and we were developing
24 thresholds for the other DCs.

25 Q. (BY MR. BOWER) And when you

1 say "thresholds were being used," are you
2 referring to thresholds for DC 6045?

3 A. I'm not sure which DC was in --
4 was rolled out in July of 2015.

5 Q. So as you sit here today --
6 strike that.

7 When you began work on
8 controlled substances in July 2015, were
9 thresholds in place at DC 6045?

10 MS. FUMERTON: Objection, form.

11 MR. BOWER: What's the nature
12 of that objection?

13 MS. FUMERTON: It's unclear
14 from your question whether you're
15 talking about any thresholds at all or
16 the thresholds that you were asking
17 questions about that Mu Sigma worked
18 in.

19 MR. BOWER: You can answer.

20 THE WITNESS: Okay. I know
21 DC 6045 had thresholds. The enhanced
22 Reddwerks thresholds that were being
23 implemented at that time, I don't know
24 the exact roll-out schedule as we sit
25 here right now.

1 Q. (BY MR. BOWER) Okay, but my
2 question is a little bit simpler. I just
3 want to know whether thresholds were already
4 in place at 6045 when you began working in
5 controlled substances in July of 2015.

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: There were the
8 original thresholds in place.

9 MR. BOWER: Okay. Thank you.

10 Q. (BY MR. BOWER) And who worked
11 on those original thresholds, if you know?

12 A. I do not know.

13 Q. How did you familiarize
14 yourself in July of 2015 as to the thresholds
15 process?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: Which threshold
18 process?

19 Q. (BY MR. BOWER) Okay. Well,
20 that's a fair point.

21 When you began work on
22 controlled substances in July of 2015, was
23 there more than one threshold process in
24 place?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: The existing
2 process was in place. I didn't learn
3 a whole lot about that as we were
4 updating and enhancing Reddwerks to
5 updated thresholds.

6 And as far as the new
7 thresholds, I had worked with Kristy
8 earlier, in my previous role, to help
9 create the database that created
10 those.

11 Q. (BY MR. BOWER) In order to
12 work on the new thresholds, did you have to
13 have an understanding as to what the existing
14 thresholds were?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: No.

17 Q. (BY MR. BOWER) Did the
18 updating or new threshold project that you
19 were working on take into account the old
20 threshold or was it a completely new way of
21 calculating thresholds?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: It was an updated
24 way of calculating thresholds and
25 using thresholds. I don't know enough

1 about how the original thresholds were
2 set up or used to speak to them.

3 Q. (BY MR. BOWER) All right.
4 Well, let me try to ask it a different way,
5 then.

6 When you say it was "an updated
7 way," what do you mean?

8 A. It was a new way. I don't know
9 what the existing -- the previous way was,
10 but we were using the Reddwerks system in a
11 way that was different. In my understanding,
12 there were some things updated and we used
13 the data, the past data to create an
14 individual threshold.

15 Q. Okay. And we'll talk about, I
16 guess, these new or updated thresholds in a
17 moment. I just want to circle back for a
18 moment when you said you had worked with
19 Kristy earlier in a previous role to help
20 create a database for those older thresholds.

21 What does that mean?

22 A. So the order data is a lot of
23 data, and Excel can't handle that many rows
24 of data, especially in 2013. Walmart was a
25 couple Excel versions behind, and so it just

1 couldn't handle the amount of data. And so
2 Access was used to do the math.

3 Q. And what was your role, or what
4 did you do with respect to the old
5 thresholds?

6 MS. FUMERTON: Objection, form.

7 MR. MILLER: I'm sorry to
8 interrupt again. This is Jake Miller
9 on the phone. I can hear virtually
10 nothing any longer.

11 MR. BOWER: All right. Well
12 let's go off the record.

13 THE VIDEOGRAPHER: 8:31. We
14 are off the video record.

15 (Recess taken, 8:31 a.m. to
16 8:33 a.m.)

17 THE VIDEOGRAPHER: 8:34. We
18 are on the video record.

19 Q. (BY MR. BOWER) So let's try to
20 pick back up where we left off. And I think
21 I asked a poor question, so let me ask a
22 different question.

23 Your testimony was that Walmart
24 was a couple of Excel versions behind, so it
25 just couldn't handle the amount of data. So

1 Access was used to do the math. Can you
2 describe what that means?

3 A. Yes. So with the thresholds,
4 we used past order data. And so for each
5 store and drug, we had a certain number of
6 weeks. I don't remember the exact number of
7 weeks that we went back -- history that were
8 used to calculate the threshold. And so when
9 we have 5,000 stores, as many controlled
10 substance items as we had, and then weeks'
11 worth of history, it was more than the number
12 of rows that Excel could handle. And Access
13 doesn't have a limit for records. And so I
14 used Access to do the math that was done to
15 calculate the thresholds.

16 And then that was exported back
17 into Excel.

18 Q. And approximately in what time
19 period did this work occur?

20 A. 2014.

21 Q. And when you say -- I just want
22 to make sure that throughout the day your --
23 our time periods are aligning up. When you
24 say "2014," are you talking about the year
25 2014?

1 A. Yes.

2 Q. Or fiscal year 2014?

3 A. No, the year 2014.

4 Q. So that would have been

5 Walmart's fiscal year 2015?

6 A. Yes.

7 Q. And as we go today, just
8 generally speaking, when you refer to a year,
9 you're referring to the actual year, not the
10 fiscal year; correct?

11 A. The majority of the time, yes.

12 Q. And I understand it's
13 difficult, just if you're not -- if you're
14 referring to fiscal year, please just let us
15 know so we can have an accurate timeline.

16 A. Yeah. I'll typically say
17 fiscal year, because my brain doesn't work in
18 fiscal years.

19 MS. FUMERTON: And I would just
20 ask the same courtesy. If you're
21 talking fiscal year, obviously to make
22 that clear as opposed to calendar
23 year.

24 MR. BOWER: Yep. Absolutely.

25 Thank you.

1 Q. (BY MR. BOWER) In part of your
2 answer you say, "And so I used Access to do
3 the math that was done." Do you know what
4 math was done?

5 A. Yes. The order history for
6 each store and item, the average was
7 calculated and then the standard deviation.

8 Q. And this was done on a -- I
9 just want to be sure -- on an item number; is
10 that correct?

11 A. Yes.

12 Q. And is that the same as an NDC
13 number?

14 A. It's not the same, but they are
15 related.

16 Q. And how are they related?

17 A. The item is the Walmart item
18 number. The NDC is the national drug code
19 not set by Walmart.

20 So each item only -- it's a
21 one-to-one relationship.

22 Q. Thank you. That was going to
23 be my next question. And for every item
24 there is a one-to-one relationship; is that
25 correct?

1 A. Yes.

2 Q. So let's just break that down a
3 little bit more, if we can. Your statement
4 was, "The order history for each store, an
5 item" -- "for each store and item, the
6 average was calculated and then the standard
7 deviation."

8 So on the first step, how was
9 the average calculated back in 2014?

10 A. How was the average calculated?

11 Q. Yes.

12 A. An Access formula that took the
13 average of the store item orders.

14 Q. And for how long would it look
15 back to determine that average in 2014?

16 A. I don't remember the exact
17 number of weeks.

18 Q. Do you remember the approximate
19 number of weeks it would consider?

20 A. I do not.

21 Q. Okay. And let me just try to
22 make it hopefully a little easier for you.
23 I've seen four weeks throughout the
24 documents. Do you recall whether there was
25 ever a different average looked at than a

1 four-week average?

2 MS. FUMERTON: Objection, form.

3 MR. BOWER: And if you don't
4 recall, that's fine. I don't want to
5 make this a test. We can look at
6 documents as we go through today to
7 maybe put a finer point on that.

8 THE WITNESS: I don't recall.

9 Q. (BY MR. BOWER) Do you recall
10 how the standard deviation was calculated?

11 A. The Access formula for standard
12 deviation.

13 Q. And who would have provided
14 that formula to Access?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: So I programmed
17 the formula into Access, the preset
18 Access formula. I did not, like,
19 enter in manually the standard
20 deviation formula. I used the preset
21 standard deviation, but as far as --
22 so is that your question?

23 Q. (BY MR. BOWER) Well, in
24 order -- what do you -- I'll strike that.

25 Yes, that's my question. And I

1 appreciate your answer.

2 So in your answer you say you
3 programmed a formula into Access. Correct?

4 A. Yes.

5 Q. Was that a formula that you
6 yourself came up with or did someone provide
7 you with a formula to program?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So the standard
10 deviation function is built within
11 Access. It's a preset formula that
12 you pick standard deviation, and then
13 select which fields you want to
14 calculate the standard deviation for.

15 Q. (BY MR. BOWER) Okay. So in
16 2014, the Access was programmed to run the
17 standard deviation for the field that was
18 populated with the average; is that correct?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: So it was doing
21 the standard deviation of the order
22 data. There is an average calculated
23 and then the standard deviation.

24 So it's -- the standard
25 deviation is for each column -- or for

1 each row, the deviation from the
2 average.

3 Q. (BY MR. BOWER) Okay. That's
4 helpful. And when you say "the deviation
5 from the average," you mean how that order
6 for that item differed from the average;
7 correct?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So it's -- the
10 standard deviation would be the
11 difference. So if you have a set of
12 ten numbers that are used to calculate
13 the average, what the standard
14 deviation is from those numbers from
15 the average.

16 Q. (BY MR. BOWER) And I'm just
17 trying to figure out what number is reflected
18 in that column in Access that was exported to
19 Excel. Is that the standard deviation or is
20 that the difference between the standard
21 deviation and that item order number?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: So are you asking
24 for what the threshold was that was
25 exported?

1 MR. BOWER: Yes.

2 THE WITNESS: Okay. That
3 answer is the average plus three
4 standard deviations.

5 Q. (BY MR. BOWER) And that was
6 the case while you were working on this
7 database in 2014; correct?

8 A. Yes.

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: Yes.

11 Q. (BY MR. BOWER) And do you
12 know, back in 2014, who determined that would
13 be how the threshold was calculated?

14 MS. FUMERTON: Objection, form.

15 THE WITNESS: I don't know who
16 was involved in the decision to use
17 that -- that calculation.

18 Q. (BY MR. BOWER) Other than, I
19 believe you mentioned -- was it Kristy
20 Spruell --

21 A. (Witness nods.)

22 Q. -- who asked you to help with
23 the creation or work with Access; is that
24 correct?

25 A. Yes.

1 Q. Other than Ms. Spruell, are you
2 familiar with anyone else who worked on that
3 project?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: Yes.

6 Q. (BY MR. BOWER) Okay. Who were
7 those folks?

8 A. So I know Miranda Johnson
9 worked on the project.

10 Q. Okay. So let's go back to the
11 LinkedIn profile. Take a -- finish up the
12 time before you worked as a senior analyst in
13 the health and wellness controlled substance.

14 So going back to your work as
15 health and wellness compliance analyst from
16 April 2010 to September 2013.

17 Do you see that?

18 A. Yes.

19 Q. What data would you analyze for
20 health and wellness compliance?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: I was supporting
23 all of health and wellness compliance
24 at that time. Most often in that
25 timeframe, I was helping the HIPAA

1 team or the billing compliance team.

2 Q. (BY MR. BOWER) And what data
3 would you use?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: So with the HIPAA
6 team, we were looking at breach
7 information. So anything regarding
8 somebody inappropriately getting
9 somebody else's information.

10 With the billing team, it would
11 be billing data, dispensing data and
12 including the billing information.

13 Q. (BY MR. BOWER) Okay. And
14 where would you access that billing and
15 dispensing data?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: So the billing
18 and dispensing data came from
19 Teradata. Or if I wasn't pulling the
20 data out, there's a system we used
21 called Super Putty that allows you to
22 log into kind of the background and
23 see transactions.

24 Q. (BY MR. BOWER) And that is
25 called, you said, Super Putty; is that

1 correct?

2 A. Yes.

3 Q. Does Super Putty access the
4 Teradata database or some other database?

5 A. It's not Teradata. I don't
6 know which database it's -- what database
7 it's hitting.

8 Q. Is the data that's accessed by
9 Super Putty different than the data in
10 Teradata?

11 A. No.

12 Q. So what would be the reason to
13 access Super Putty instead of Teradata?

14 A. It allows you to see one
15 prescription in kind of a step-by-step form
16 so you can log in and see the prescription.
17 And then you can log in and see the fill
18 history, and you can log in and see the
19 billing, without having to run all of those
20 different queries. There's just commands
21 given.

22 Q. And I keep wanting to say
23 "Silly Putty." Was Super Putty a third-party
24 database or was it -- or information source
25 or was it in-house at Walmart?

1 A. Oh, no.

2 MS. FUMERTON: Objection, form.

3 Excuse me. Again, so just give
4 me, again, a little --

5 THE WITNESS: Sorry.

6 MS. FUMERTON: Once I stop
7 objecting, you guys start going
8 faster, so I feel like I keep
9 getting -- but, yes, just give me a
10 second to object.

11 THE WITNESS: No, it was
12 in-house. All of our databases that
13 house pharmacy information, dispensing
14 pharmacy information, are internal.
15 And so this is just -- and I don't
16 know if Silly Putty is a Walmart -- or
17 Silly Putty -- sorry. Super Putty is
18 a Walmart-developed application or if
19 it was another application that
20 Walmart uses. I don't know the answer
21 to that.

22 MR. BOWER: Okay.

23 Q. (BY MR. BOWER) Are you
24 familiar with any data bases at any time
25 while you've been at Walmart that has data

1 that is not Walmart-specific?

2 MS. FUMERTON: Objection --

3 MR. BOWER: For example -- let
4 me finish and then you can --

5 MS. FUMERTON: Yeah.

6 Q. (BY MR. BOWER) For example,
7 you mentioned dispensing information. Do any
8 of Walmart's databases have dispensing
9 information from pharmacies that are not
10 Walmart or Sam's Club pharmacies?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: No.

13 Q. (BY MR. BOWER) Have you been
14 involved in any discussions regarding whether
15 Walmart should have access to any type of
16 data that is not Walmart-specific data?

17 MS. FUMERTON: I'm going to
18 object to the question just in case
19 it -- I don't know that it would --
20 involves communications with legal.
21 But if it's communications outside of
22 legal --

23 MR. BOWER: No, it's a
24 yes-or-no question. It doesn't call
25 for legal advice.

1 MS. FUMERTON: You and I have
2 talked about this before. "Yes" or
3 "no" question can sometimes invade
4 attorney-client privilege. I'm not
5 saying whether this does. I'm just
6 cautioning the witness that if she had
7 conversations with counsel about a
8 specific topic, not to answer those
9 communications. It goes to the level
10 of detail.

11 So as I said, this may not be
12 an issue, but you can go ahead and
13 answer the question as long as it's
14 not going to reveal your
15 communications with counsel.

16 THE WITNESS: No.

17 Q. (BY MR. BOWER) Have you ever
18 had any conversations with Walmart's counsel
19 regarding the need to access data that is not
20 housed at Walmart?

21 A. No.

22 MS. FUMERTON: Objection. I
23 was going to say the same objection.

24 Q. (BY MR. BOWER) So in your
25 LinkedIn profile, you state, "Analyze data

1 for health and wellness compliance."

2 What does that refer to? What
3 does "compliance" there refer to?

4 A. So health and wellness
5 compliance is a team. And it's a subset of
6 our corporate compliance organization.

7 Q. Okay. And during this time
8 period, April 2010 to September 2013, what
9 was the scope of that compliance work?

10 MS. FUMERTON: Objection, form.

11 Q. (BY MR. BOWER) What were you
12 trying to comply with?

13 MS. FUMERTON: Same objection.

14 THE WITNESS: I was working on
15 multiple projects, helping support the
16 entire health and wellness compliance
17 organization. What the organization's
18 goals were, and the exact rules that
19 they were complying to, I wouldn't
20 have insight into those specifics.

21 Q. (BY MR. BOWER) Other than what
22 we've discussed today, did you have any other
23 involvement in analyzing data for diversion
24 on or before September 2013?

25 MS. FUMERTON: Objection, form.

1 MR. BOWER: I'll strike that.

2 Q. (BY MR. BOWER) Did you have
3 any involvement or any discussions regarding
4 analyzed diversion data prior to
5 September 2013?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: So in this
8 timeframe -- I don't know the exact --
9 whether it was 2013, early '14, maybe
10 even 2012 -- I did work with our
11 global investigations team that works
12 with diversion. And in my mind, our
13 Walmart term of "diversion" is
14 associates leaving inappropriately
15 with pills. And so I worked with our
16 global investigations diversion
17 investigators on projects
18 periodically.

19 Q. (BY MR. BOWER) And do you
20 recall anything specific about those projects
21 as you sit here today?

22 A. I know I helped with queries.
23 I know we had one where there was some
24 billing fraud happening with a pharmacist,
25 and so trying to identify those

1 prescriptions. But other than that, it was
2 just kind of general Teradata query-type
3 help.

4 Q. And what would be an example of
5 a type of query you would run in connection
6 with this work on diversion?

7 A. So looking at what was
8 dispensed, and then they could use that to
9 look for dummy names, you know, that kind of
10 thing. And then also looking at the -- at
11 our point of sale, POS information, to see if
12 something was filled, was it sold, making
13 sure it had a corresponding sold record.

14 Q. And who from global
15 investigations would you work with? If you
16 can recall their names.

17 A. Greg Beam was the head of that
18 team, and there were multiple investigators
19 that I worked with along the way.

20 Q. Can you recall any of their
21 names as you sit here today?

22 A. John Oldfather, Kathy Stowe.
23 Those are the two that I recall. I know
24 there's definitely more of them.

25 Q. Okay. Thank you. I appreciate

1 that.

2 Other than what we've discussed
3 today, did you have any involvement in
4 Walmart's suspicious order monitoring program
5 prior to September 2013?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: No.

8 Q. (BY MR. BOWER) Who was your
9 supervisor in 2013?

10 A. Casey Campbell.

11 Q. And then was Casey also your
12 supervisor when you became the health and
13 wellness Systems Manager II?

14 A. Yes.

15 Q. How did the change from health
16 and wellness compliance analyst to health and
17 wellness Systems Manager II impact your
18 duties and responsibilities?

19 A. So it was an in-seat promotion.
20 So I was doing the same job, just some
21 expanded responsibilities, including more
22 Archer, taking over some of the Tableau
23 dashboarding that Mu Sigma had helped us
24 with, things like that.

25 Q. What is Tableau dashboarding?

1 A. So Tableau is a computer
2 program that is used to display reports.

3 Q. Okay. And why does Walmart use
4 Tableau?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: I can't speak to
7 why Walmart uses Tableau as a whole.
8 We use Tableau for the ease of getting
9 the reports to the stakeholders that
10 needed the reports.

11 Q. (BY MR. BOWER) What do you
12 mean when you say "for the ease of getting
13 the reports"? How does that work?

14 A. It's a -- part of it is
15 web-based. And so you don't have to have a
16 special program. It doesn't look all jumbled
17 up. You don't have to export it to like PDF.
18 You can send a read-only version of the
19 pretty web view without them having to have
20 crazy-different software or anything.

21 Q. Why not just use a PDF?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: So the PDF would
24 be static, and Tableau allows you to,
25 like, click and go into, like, more

1 detail of a specific graph, that kind
2 of thing.

3 Q. (BY MR. BOWER) So if you're
4 looking at the live Tableau, you can actually
5 click on something within that screen to see
6 additional information?

7 A. If it's set up that way, yes.

8 Q. So if you receive, for example,
9 a PDF of a Tableau screen, that PDF would
10 have less information than the Tableau screen
11 would have, assuming that that live setting
12 was active; correct?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: It depends on how
15 it was set up.

16 So you can export and -- export
17 the deeper dive information as another
18 page, or you can just export the main
19 page. So it really depends on how the
20 export is done.

21 Q. (BY MR. BOWER) And when you
22 refer to "export," do you mean export from
23 Tableau to PDF; correct?

24 A. Yes.

25 Q. So, and just to put a finer

1 point on that, just looking at your LinkedIn
2 profile, Exhibit 1, you say "Create a Tableau
3 dashboard to monitor compliance." How would
4 a dashboard Tableau monitor compliance?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: So the dashboard
7 allowed us to see the metrics that
8 were determined to help keep a pulse
9 on our compliance with different
10 regulations. And so it allowed you to
11 see those metrics all together.

12 Q. (BY MR. BOWER) Then I just
13 have a couple of kind of broader questions on
14 kind of the format of Exhibit 2, which is
15 your performance evaluation.

16 So let's, for example, look at,

17 [REDACTED]

18 [REDACTED]

19 Would that be something that's
20 entered by you, or is that something that's
21 entered by the supervisor?

22 MS. FUMERTON: Yeah, take your
23 time to familiarize yourself with the
24 document, if you need to, to answer
25 his questions. Because I know there's

1 additional detail.

2 I mean --

3 MR. BOWER: Right.

4 MS. FUMERTON: I'm not
5 testifying, but ...

6 MR. BOWER: And I appreciate
7 that. I'm just trying to get a sense
8 as to how this is formatted. Because
9 if you notice, like on the bottom of
10 the first page, it appears to have
11 ratings by both Mr. Campbell and
12 yourself. So you do write a
13 self-evaluation; correct?

14 THE WITNESS: Yes.

15 Q. (BY MR. BOWER) And
16 Mr. Campbell also does an evaluation;
17 correct?

18 A. Yes.

19 Q. I'm just trying to understand,
20 so that when we go through this document, who
21 is entering what information. Okay? I just
22 want to try to see if we can figure that out.
23 And so that's why I asked you who -- and I'll
24 ask you again: Who enters the kind of the
25 status of things on here?

1 A. I am not sure.

2 Q. Okay.

3 A. I don't remember -- I'm trying
4 to -- let me look at the most recent one.

5 Q. Sure.

6 A. I'm not sure.

7 Q. Okay. That's fine. And what
8 about the dates on the right? Where does
9 that information come from?

10 A. So the dates are from our
11 goals. And those are set earlier in the
12 year, and they just pull into the evaluation
13 form.

14 Q. And who sets those goals?
15 Would that be you or your supervisor or
16 somebody else?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: So it depends.
19 Goals can be cascaded. So it could be
20 a goal that started many levels above,
21 and then they've cascaded it down to
22 the appropriate people that will do
23 the work. So there's not a clear-cut
24 answer for that.

25 Q. (BY MR. BOWER) Okay. What is

1 SME? Or I've seen it referred to frequently
2 throughout this. So, for example, page 5,
3 three pages in, 56048, if you look at like
4 the column on the left, second paragraph,
5 halfway through it says, "Additionally, Roxy
6 has helped facilitate training to different
7 HW compliance SMEs."

8 What does an "SME" refer to?

9 A. Subject matter expert.

10 Q. What does the "art of insights"
11 refer to, in that same sentence?

12 MS. FUMERTON: And take your
13 time to read any of the context.

14 MR. BOWER: Yeah.

15 THE WITNESS: Where is the
16 "arts of insight"?

17 MR. BOWER: Sorry.

18 THE WITNESS: Is that in the --

19 MR. BOWER: It's in the same
20 sentence. It says, "Additionally,
21 Roxy helped facilitate training to
22 different HW compliance SMEs on the
23 'art of insights.'" It's in quotes
24 there. It's on the left column,
25 again, the second --

1 MS. FUMERTON: I think she
2 might be on the wrong page.

3 THE WITNESS: I think I might
4 be on the wrong page.

5 MR. BOWER: Page ending in
6 56048, the third page in.

7 THE WITNESS: I was on the
8 fifth page. I don't know how I got
9 there.

10 MR. BOWER: That's probably my
11 fault.

12 THE WITNESS: Because there
13 happened to be SMEs on that page too.

14 MR. BOWER: Oh, okay. That's
15 why I asked, because they are
16 throughout. Sorry about that.

17 THE WITNESS: Okay.

18 Q. (BY MR. BOWER) So again, the
19 second full paragraph, I guess the third

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 which enhanced their ability to understand
24 and draw conclusions from data represented
25 within HW compliance score card or their

1 program-specific dashboards."

2 Do you see that now?

3 A. Yes.

4 Q. Okay.

5 Do you know what "art of
6 insights" refers to?

7 A. I don't specifically. Reading
8 this, I can -- I remember having meetings,
9 but I don't -- I think that was just a Casey
10 term.

11 Q. Okay. Well, just generally,
12 what were the meetings that this triggered by
13 this --

14 A. So --

15 Q. -- language?

16 MS. FUMERTON: Let him finish
17 his question first. You're starting
18 before he's really just getting where
19 he's going. Go ahead.

20 THE WITNESS: Okay. So it
21 would have been helping the subject
22 matter experts understand that saying
23 these numbers are decreasing isn't an
24 insight. That's stating what's
25 happening in the data.

1 So trying to get them to look
2 deeper in understanding the why and
3 the insights of why things are
4 happening with the data.

5 Q. (BY MR. BOWER) Okay. Thank
6 you for that.

7 And then in the next paragraph,

11 Do you know what that refers
12 to?

13 A. Yes.

14 Q. Okay. What does that refer to?

15 A. Okay. It is the controlled
16 substance loss we're reporting that could
17 result in a DEA 106 being filed.

18 Q. And what enhancements were you
19 making to the DEA database?

20 A. So that's not really the best
21 use of terms there. It was the team started
22 using Archer to track the losses and then the
23 DEA 106 filing process.

24 Q. Does a DEA database refer to
25 Archer or something else?

1 A. Archer.

2 Q. So we're still right in the --
3 if you could turn to page -- strike that. I
4 want to start over.

5 If you turn to page 56053,
6 which is a few more pages in.


7 Okay? Are you there?

8 A. Yes.

9 Q. Okay. And this is while you
10 are still in the role as health and wellness
11 systems manager II; correct?

12 A. Yes.

13 Q. Okay. And I just want to
14 focus, if we could, on the -- kind of the

15 
16 left. It says, "Task/Milestones,
17 Task/Description." Do you see that?

18 A. Yes.

19 Q. It says, "Develop a documented
20 approach to back up and recovered data
21 captured and maintained within 'home grown'
22 databases/spreadsheets used by H&W Compliance
23 SMEs."

24 Do you see that?

25 A. Yes.

1 Q. Do you know what that refers
2 to?

3 A. Yes.

4 So by this point, I had
5 developed a couple different Access
6 databases, which is the homegrown databases.
7 And because I was the only person that had
8 the knowledge of those databases, we wanted
9 to make sure that it was documented how to
10 back them up and then how to recover them if
11 something were to happen.

12 Q. Would this include Teradata
13 database?

14 A. No.

15 Q. Are you familiar with how that
16 is backed up, Teradata?

17 A. I do not know the specifics of
18 how that's backed up.

19 Q. Who is responsible and who
20 would know those specifics for Teradata?

21 A. It would be our information
22 systems division.

23 Q. Do you know anyone's name in
24 that division who might have been
25 specifically -- had that responsibility?

1 A. I do not.

2 Q. Okay. And would this have
3 included Archer?

4 A. No.

5 Q. Do you know who was responsible
6 for that information, or the preservation of
7 that information in Archer?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So Archer is also
10 supported by our information systems
11 division.

12 Q. (BY MR. BOWER) Okay. So what
13 is this -- what "databases/spreadsheet" does
14 this refer to, then?

15 A. So this would have been, at the
16 time, the HIPAA database that I mentioned
17 earlier, and then I also created a database
18 for our third-party audits.

19 Q. Okay. And then I just want to
20 have a few more questions on here and then
21 maybe we'll take a break and move to a more
22 relevant time period. Okay? And I
23 appreciate your cooperating with us this
24 morning on some of this older stuff.

25 A couple more questions right

1 at this section here. We say, "The Archer
2 development counsel."

3 Do you see that a couple of
4 lines down? "Participate and represent
5 health and wellness compliance interests as
6 part of the Archer development council?"

7 A. Yes.

8 Q. Do you see that?

9 And what does that refer to,
10 the "Archer development council"?

11 A. That is our internal governance
12 counsel, for Archer.

13 Q. And during this time period,
14 what was Archer being used for?

15 A. So within the company as a
16 whole, Archer was used for many things.
17 Within health and wellness compliance, it was
18 used for the controlled substance loss
19 information. It was used for pick change
20 information.

21 Sorry, I'm trying to think back
22 what was --

23 So those are examples of things
24 it was being used for at the time.

25 Q. Well, what about broader? I'm

1 just trying to get a sense within the entire
2 organization. What else was it used for?

3 A. Okay. So our SRCR (sic)
4 process is managed in Archer, security
5 compliance risk reviews.

6 And so those are managed in
7 Archer, outside of our team. There's a
8 review, compliance review process. At the
9 time, it was called "court." It's where --
10 regional compliance managers is what they
11 were called -- would go into the field and
12 assess compliance in all of the different
13 areas of compliance, not just health and
14 wellness. And at this time we also had a
15 compliance assessment that the regional
16 compliance directors did specifically for
17 health and wellness.

18 Q. And during this time, was
19 Archer also being used for Walmart's SOM
20 program?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: The exact
23 timeframe that Archer started getting
24 used, I think was slightly after -- it
25 was in 2015, but I don't think it was

1 fiscal year 2015. I think it happened
2 a little bit later in the actual year
3 of 2015.

4 I think.

5 Q. (BY MR. BOWER) That's fine.
6 We'll look at the documents and that will
7 help clarify the record.

8 A. Yes.

9 Q. I just want to close up a
10 couple of things and then we'll take a break.
11 While you were -- strike that.

12 How long were you on the Archer
13 development council?

14 A. So the way the council's set up
15 is every business area has to have a
16 representative on the council to be able to
17 participate in Archer. And so I started
18 participating when I was trained in 2010, and
19 we started using Archer more extensively in
20 2011. And then I actually led the council in
21 2015.

22 Q. Okay. So --

23 A. And I was on the council until
24 it was no longer used recently.

25 Q. And when was that?

1 A. I don't know exact time.

2 Earlier this year.

3 Q. Okay. And so while you were on
4 the council, and, in fact, while you were
5 leading the council, Archer was being used as
6 part of Walmart's SOM program; is that
7 correct?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So exact
10 timeframe, I'm not sure, but yes, it
11 was used for the SOM program.

12 MR. BOWER: Okay.

13 Q. (BY MR. BOWER) And then, we'll
14 talk more about that as the day goes on.

15 And then just one more question
16 on this page here. The next entry it says,
17 "Develop reporting plans for analytics."

18 Do you see that?

19 Just under that line we were
20 looking at about the Archer development
21 council.

22 A. Yes.

23 Q. Okay. What does that refer to?

24 A. So that is the plan of who
25 needs to be reported, or who needs to receive

1 reports. Like the compliance dashboards that
2 we mentioned earlier, who needed to receive
3 them, why, when, and how they received them.

4 Q. Okay. What were the options
5 for how to receive them?

6 MS. FUMERTON: Objection, form.

7 Q. (BY MR. BOWER) Well, strike
8 that.

9 What do you mean by "how"?

10 And I'm not trying to make this
11 a trick question. I'm just trying to
12 understand, because you talked earlier about
13 Tableau; right?

14 A. Mm-hmm.

15 Q. That was one form they could
16 receive them in; correct?

17 A. Yes.

18 Q. What other formats were
19 available?

20 A. Okay. So depending on what
21 their report was, they could receive an
22 Excel. So not a pretty, formatted version.
23 They could receive a PDF. It could just be
24 an email.

25 Q. Okay. And you were involved in

1 deciding how those reports would be received;
2 correct?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: I would make
5 recommendations of the most meaningful
6 way to receive it.

7 Q. (BY MR. BOWER) And who would
8 you make those recommendations to?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: So my manager,
11 and then whoever the stakeholder was.
12 So the stakeholder was involved in how
13 they would best use whatever report it
14 was that was being sent.

15 Q. (BY MR. BOWER) Okay. And for
16 example, going back to your LinkedIn profile,
17 was it your recommendation to use Tableau
18 dashboards to monitor compliance?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: No. That was --
21 so Mu Sigma helped us develop our
22 dashboards, and that was their
23 recommendation of the platform to use.

24 Q. (BY MR. BOWER) Did you agree
25 with that recommendation?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: At the time I
3 didn't know enough to agree or
4 disagree.

5 Q. (BY MR. BOWER) So what -- did
6 you do anything to educate yourself as to
7 whether Tableau would be an appropriate
8 format to receive these -- this information?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: So, yes, I did
11 research on Tableau to make sure that
12 I understood it. But the decision to
13 use Tableau was made well above me.
14 And so my job was to learn how to use
15 it.

16 Q. (BY MR. BOWER) And who made
17 that decision?

18 MS. FUMERTON: Objection, form.

19 MR. BOWER: Well, strike that,
20 then.

21 Q. (BY MR. BOWER) What's your
22 basis for your statement that the decision to
23 use Tableau was "made well above me"?

24 A. At the time, I was in no way a
25 decision-maker as a manager. There were -- I

1 mean, my senior manager made decisions like
2 that. And even that decision, I don't know
3 if that would have been made at his level, or
4 if it was kind of a decision that was made
5 higher and they're, like, everybody needs to
6 use it. Because at this time, I know
7 corporate compliance started using Tableau
8 for their reporting as well.

9 MS. FUMERTON: Is it a good
10 time to take a break or ...

11 MR. BOWER: I think so. Yeah.
12 Let me just make sure I don't have
13 anything else on this time period, at
14 least at the moment.

15 Yeah, why don't we take a
16 break. We've been going a while.

17 THE VIDEOGRAPHER: 9:16. We
18 are off video record.

19 (Recess taken, 9:17 a.m. to
20 9:34 a.m.)

21 THE VIDEOGRAPHER: 9:34. We
22 are on video record.

23 Q. (BY MR. BOWER) All right.

24 Ms. Reed, we're back on the record. I'm just
25 going to hand you a couple more exhibits.

1 And these I do want you to take a moment to
2 review.

3 Exhibit 3, which is an email
4 string that you are not on. The reason I'm
5 handing it to you, just so you know, is it
6 was produced as part of your custodial file.
7 So I'm trying to understand whether or not
8 you have any personal knowledge of this
9 document, okay?

10 MS. FUMERTON: Zach, do you
11 have copies of that?

12 MR. BOWER: Oh, yeah. Sorry.

13 (Walmart-Reed Deposition
14 Exhibit 3 was marked for
15 identification.)

16 Q. (BY MR. BOWER) So take a
17 moment, take a look at that document, and I'm
18 going to hand you one more which was also
19 part of your custodial file but does not
20 appear to include you on the email string.
21 Okay?

22 A. Okay.

23 MR. MILLER: Could somebody
24 read the Bates numbers of the
25 documents that are being marked in the

1 exhibits, please?

2 MR. BOWER: Sure. We'll do
3 that in one moment.

4 So while the witness is
5 reviewing Exhibits 3 and 4, I'll note
6 for the record that Bates No. 3 is a
7 Walmart document ending in 9635, and
8 the last page is 9638.

9 And it includes the attachment.

10 And Exhibit 4 is starting with
11 9629, and then the attachment is 9630,
12 which is in native format as part of
13 the record.

14 [Document review.]

15 Q. (BY MR. BOWER) So why don't we
16 start on Exhibit 3.

17 MS. FUMERTON: Did you get time
18 to -- you've reviewed Exhibit 3?

19 THE WITNESS: Yes.

20 MS. FUMERTON: But you haven't
21 reviewed that one yet.

22 MR. BOWER: We'll start with
23 Exhibit 3 and then we'll go to
24 Exhibit 4.

25 Q. (BY MR. BOWER) Are you familiar

1 with Exhibit 3?

2 A. No, I'm not.

3 Q. Do you have any understanding
4 why it was produced as represented to be in
5 your custodial file?

6 A. No, I do not.

7 Q. Okay. Before, we talked about
8 standard deviation. Do you recall that?

9 A. Yes.

10 Q. Okay. And do you see the
11 reference here in No. 8 for example, the
12 email, "Please find attached the methodology
13 document by Kristy"?

14 Do you see that No. 8 in that
15 cover email?

16 A. Yes.

17 Q. Would that be Kristy Spruell?

18 A. Yes.

19 Q. Okay. And would this have been
20 related to the standard deviation you
21 testified about to earlier? And by "this,"
22 I'm referring to the attachment page 9636,
23 the data steps.

24 Do you see that halfway down?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: So I've never
2 seen this document, but these are --
3 steps 2 through 4 are the steps that
4 were taken within the Access database.

5 Q. (BY MR. BOWER) And thank you
6 for that. I was just trying to get an
7 understanding of what was actually put in the
8 Access database during this timeframe. Okay?

9 A. Okay.

10 Q. And you mentioned standard
11 deviation before, correct?

12 A. Yes.

13 Q. And when you said "2 through
14 4," 4, in fact, refers to one standard
15 deviation in A, two standard deviations in B,
16 and then three standard deviations in C; is
17 that correct?

18 A. Yes.

19 Q. Do you recall which one of
20 those, if any, were used by you in the Access
21 database?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: So the three
24 standard deviations was used in the
25 Access database.

1 Q. (BY MR. BOWER) So when you
2 referred earlier to standard deviation, it
3 was three standard deviations; is that
4 correct?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: To get to three
7 standard deviations, you first have to
8 calculate one standard deviation.

9 Q. (BY MR. BOWER) Were both of
10 those calculations reflected in Access? And
11 by "both," I mean the one standard deviation
12 and the two standard deviation?

13 A. Yes.

14 MS. FUMERTON: Just give me a
15 second. That's fine.

16 Q. (BY MR. BOWER) And did you --
17 I'll strike that. Let me see if you --

18 Okay. Steps 2 through 4 were
19 taken in the Access database; correct?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: Yes.

22 Q. (BY MR. BOWER) Step 5, to the
23 best of your knowledge, was not taken in
24 Access database?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: Step 5 doesn't
2 look like a step, as far as the math
3 goes.

4 Q. (BY MR. BOWER) Okay. I see
5 what you're saying, because step 5 is simply
6 a numeric entry; correct?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: So it looks like
9 step 5 is just saying that if a store
10 has a low volume, it could trigger a
11 false alert.

12 Q. (BY MR. BOWER) And its further
13 goes on to state, "For stores that fall under
14 the minimum threshold, we replace their
15 individual average with the average for all
16 stores (300)."

17 Do you see that?

18 A. Yes.

19 Q. Was that information part of
20 the Access database?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: It was not part
23 of the Access database.

24 Q. (BY MR. BOWER) Is there some
25 other database that reflected this minimum

1 threshold in 5(a)?

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: So the 300, I
4 don't know what that's referring to.

5 Once the thresholds were
6 created in Access, they were exported
7 to Excel. And then borders were put
8 on the thresholds. So a minimum was
9 put if it was below a -- below 20.
10 The minimum was put. And then there
11 was a maximum as well.

12 Q. (BY MR. BOWER) And do you
13 recall what that maximum was?

14 A. 400-count bottles. Let me
15 clarify. The 20, and then maximum was 50 for
16 100-count bottles.

17 Q. Okay.

18 A. Liquids would be different, and
19 then other bottle sizes would be different.

20 Q. And if you go back to the cover
21 page of this email, it, in fact, has an
22 explanation in No. 8 for the maximum.

23 Do you see that?

24 A. Yes.

25 Q. Okay. And indeed a reason for

1 creating that maximum was because "Business
2 intuitively identified the outlier order
3 sizes and decided that order size 5,000
4 should be a reasonable large cap."

5 Do you see that?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: Yes.

8 Q. (BY MR. BOWER) So that number,
9 that 5,000 refers to 50 bottles; correct?

10 A. For a 100-count bottle, yes.

11 Q. And that appears, from this
12 document, was a decision made by business
13 intuition; correct?

14 MS. FUMERTON: Objection, form.

15 THE WITNESS: Based on this
16 document, that's what it appears to
17 be.

18 Q. (BY MR. BOWER) Okay. And do
19 you know who the folks are on this email?

20 Let's start with the first one,
21 Prachi -- P-R-A-C-H-I, last name -- I'm not
22 going to try and pronounce it. It's
23 G-U-R-U-R-A-J.

24 Do you know who that gentleman
25 is? Or woman?

1 A. That lady, yes, I do.

2 Q. And is she a Walmart employee?

3 A. No.

4 Q. Okay. Where does she work?

5 A. She --

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: She was the

8 Mu Sigma -- what's the word? The

9 on-site Mu Sigma person.

10 Q. (BY MR. BOWER) Was she
11 physically on-site at Walmart?

12 Strike that. What do you mean
13 by "on-site"?

14 A. She worked at the home office
15 with whoever she was supporting.

16 Q. By "home office," you mean a
17 Walmart home office; correct?

18 A. Yes.

19 Q. What about the other folks on
20 here? We don't need to read them all in the
21 record. They'll be in the document. But are
22 you familiar with any of these folks, is the
23 first question?

24 A. A couple of them look like the
25 same names, which very well could be

1 different people, that worked on our Tableau
2 dashboard project with health and wellness
3 compliance.

4 Q. Do any of these names -- strike
5 that.

6 Do you know whether any of
7 these folks in this email were Walmart
8 employees during this time period, which is
9 January 2014?

10 MS. FUMERTON: And I don't -- I
11 haven't looked, but I'm assuming the
12 entire document?

13 MR. BOWER: No, I'm just
14 talking about this top email here.

15 Thank you for that
16 clarification.

17 THE WITNESS: These names do
18 not look like any Walmart associates
19 that I would have known.

20 Q. (BY MR. BOWER) Do you have any
21 understanding, then, as to how this document
22 came to appear in your custodial file?

23 A. I have no idea.

24 Q. Okay. Just a couple more
25 questions, then, based upon your experience

1 with the Access and other work in the
2 databases.

3 The approach, for example,
4 references -- do you see that? It has key
5 deliverables and purpose and then approach?
6 Kind of headings to the left of the page?

7 Do you see that?

8 A. Yes.

9 Q. Okay. Under "Approach," it
10 says, "Use 52 week order history to establish
11 'normal' order amounts."

12 Do you see that?

13 A. Yes.

14 Q. During this time period, which
15 is January 2014, where would Walmart -- where
16 within Walmart would that data have been
17 available?

18 MS. FUMERTON: Objection, form.

19 THE WITNESS: The order
20 history, I do not know.

21 Q. (BY MR. BOWER) Do you know
22 whether order history was available anywhere
23 within Walmart during this time period?

24 A. As far as order history, I
25 don't know where within Walmart order history

1 was kept.

2 Q. What information was used in
3 Access to perform these calculations that you
4 referred to earlier?

5 A. The shipment history would be
6 used.

7 Q. And where was that information
8 located?

9 A. Teradata.

10 Q. Do you have any knowledge as to
11 how far back Teradata maintains shipment
12 history?

13 MS. FUMERTON: Objection, form.

14 MR. BOWER: I'll strike that.

15 Q. (BY MR. BOWER) In other words,
16 2014, if you were to access Teradata, how far
17 back could you go to determine shipment
18 history to a particular pharmacy?

19 A. I don't know what the retention
20 period is specifically for the logistics
21 data.

22 Q. What's the farthest back you've
23 ever gone to pull purchase -- sorry, shipment
24 history in Teradata?

25 A. Exact numbers, I wouldn't know.

1 I know at any point in time recently I've
2 pulled up to two years back. So I haven't
3 pulled more than two years back at any one
4 time.

5 Q. Okay. And do you know whether
6 the information in Teradata is backed up by
7 Walmart?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: I don't know the
10 exact backup policies for the Teradata
11 system.

12 I do know that there are --
13 there's processes in place for
14 duplication of the database, and like
15 if one goes down, there's another,
16 like, data center that houses it. But
17 I don't know the exact backup
18 schedule.

19 Q. (BY MR. BOWER) And, I mean,
20 the data in Teradata is important to Walmart;
21 correct?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: Teradata does
24 house important information for
25 different business segments, yes.

1 Q. (BY MR. BOWER) Right.

2 Walmart uses the data in Teradata for many
3 reasons; correct?

4 A. Yes.

5 Q. So you would expect that
6 Walmart would have a process in place to make
7 sure that data is maintained, wouldn't you?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So Teradata is a
10 big database that I know is duplicated
11 to maintain the integrity of the data
12 and the security of the database and
13 the information within it.

14 Q. (BY MR. BOWER) So just
15 going -- a couple more questions on this
16 page. At the top of the page references a
17 project goal. Do you see that?

18 And we're still on page ending
19 in 9626.

20 A. Yes.

21 Q. Do you see that?

22 Project goal is stated as "To
23 identify and report suspicious orders of
24 controlled substances and other frequently
25 abused drugs."

1 Do you see that?

2 A. Yes.

3 Q. Do you know whether Walmart
4 asked the folks at Mu Sigma to work on this
5 project?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: I don't know.

8 Q. (BY MR. BOWER) Do you know who
9 would know that? Would it be Kristy?

10 A. Since Kristy worked with them,
11 I would assume she would have been involved.

12 Q. Do you know what the reference
13 on the top of this page to "frequently abused
14 drugs" means?

15 A. I do not.

16 Q. Are you aware that our country
17 is in the middle of an opioid crisis?

18 A. Yes.

19 MS. FUMERTON: Objection, form.

20 Q. (BY MR. BOWER) And when did
21 you first become aware of the opioid crisis?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: I don't know the
24 exact time.

25 Q. (BY MR. BOWER) Do you know an

1 approximate time?

2 A. I would say that those terms I
3 first heard in the media within the last
4 couple of years.

5 Q. By "those terms," you mean
6 opioid crisis?

7 A. Yes.

8 Q. What about a broader issue with
9 respect to abuse of controlled substances?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: What's your
12 question?

13 Q. (BY MR. BOWER) I'm just trying
14 to figure out. You seem to be stuck on my
15 term "opioid crisis." I'm just trying to
16 figure out if you use different terms, if you
17 define it as abuse of prescription drugs, of
18 drug issues with respect to Schedule II
19 narcotics. Anything broader than that. When
20 did you first become aware that our country
21 was having a problem with prescription drug
22 abuse?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: So I've worked in
25 the health and wellness space the

1 majority of my career. Now, I've
2 worked in an independent pharmacy when
3 I was in high school, in college. And
4 so I would say that's been something
5 that's been known by me for the
6 majority of my career, that ...

7 Q. (BY MR. BOWER) I don't want to
8 cut you off. Are you --

9 A. Yeah.

10 Q. Did you have any discussions
11 about prescription drug abuse with folks at
12 Walmart?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: I don't know of
15 any specific conversations about
16 prescription drug abuse.

17 So it could come up in context
18 of a diversion investigation, or a
19 controlled substance loss
20 investigation. And of course later,
21 in SOM. But not -- not specifically
22 meetings about drug abuse issues.

23 Q. (BY MR. BOWER) And I
24 appreciate that clarification.

25 So -- and I don't want to spend

1 too much time on this, but, for example, how
2 would it come up in connection with, for
3 example, SOM -- you said, "of course, later
4 in SOM." How would that come up?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: So when reviewing
7 an order, part of what we were looking
8 for are signs that something
9 inappropriate may be going on. So a
10 red flag wasn't cleared. And that
11 could be an indication of
12 inappropriate use. And so generally,
13 you know, the possibility of
14 inappropriate use would be talked
15 about during any kind of alert review.

16 Q. (BY MR. BOWER) And when you
17 were reviewing an order, what type of
18 information were you looking at?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: It -- there was a
21 wide array of information, including
22 dispensing trends, past order history.
23 Things like that.

24 Q. (BY MR. BOWER) What do you
25 mean by "dispensing trends"?

1 What specific information would
2 you look at?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: The actual trend
5 of dispensing: Has the amount of that
6 particular drug in question gone up or
7 down, or was it steady.

8 What the quantity of pills per
9 prescription.

10 We would look at insurance,
11 what we call distribution. So whether
12 insurance was used or whether cash was
13 used.

14 How far patients were
15 traveling. How far away prescribers
16 were from the location.

17 Things like that.

18 Q. (BY MR. BOWER) And I
19 appreciate that information. I just want to
20 go through each one of those to make sure I
21 understand what you're actually looking at.

22 So the first one you mentioned
23 was -- it would help if I could read my own
24 writing.

25 So the first thing you

1 mentioned was the actual trend of dispensing.
2 Has that amount of that particular drug in
3 question gone up or down or is it steady?

4 So that information, was it
5 specific to a pharmacy?

6 A. Yes. It was the pharmacy and
7 drug that alerted.

8 Q. And by "drug," do you mean NDC?
9 Or something else?

10 A. When a -- so a specific item,
11 so NDC would alert. We would look at the
12 entire GPI for that drug.

13 Q. And I appreciate that. So can
14 you just, for the record, clarify what you
15 mean by "GPI"?

16 A. So GPI is the global product
17 indicator.

18 Q. Okay. And what does that mean?

19 A. It is a more universal term.
20 The NDC is manufacturer-specific, and the
21 GPI, each number means something. I don't
22 know what they all mean. But the entire
23 number together refers to a drug.

24 So, for instance, hydrocodone
25 10/325 has one GPI regardless of the multiple

1 NDCs that are made.

2 Q. Okay. Does the GPI
3 consider different -- for example, you
4 mentioned hydrocodone -- different strengths
5 of hydrocodone?

6 A. The entire GPI would be one
7 strength of hydrocodone. If you back off a
8 couple numbers, then it would be a different
9 strength of hydrocodone -- or it would be
10 like a hydrocodone as a drug class, and then
11 a couple more numbers would mean like the
12 opioid, you know, drug class. Things like
13 that. They stair-step.

14 Q. Okay. I appreciate that. I
15 didn't mean to cut you off.

16 When reviewing an order, would
17 you limit your review to the GPI or would you
18 back off and look at the more broader
19 information?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: For what
22 timeframe?

23 Q. (BY MR. BOWER) Well, that's a
24 fair point. Let's start with when was the
25 first time you would have used this

1 information in connection with your duties
2 and responsibilities?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: So when I started
5 in my position, July-August timeframe,
6 would have been the first time that we
7 used it.

8 Q. (BY MR. BOWER) And we're
9 talking July-August 2015; correct?

10 A. Yes.

11 Q. So during that time, would you
12 have looked at the GPI information or would
13 you have looked at the broader data
14 available?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: During that time,
17 it would have been the GPI, the entire
18 GPI.

19 Q. (BY MR. BOWER) And by "entire
20 GPI," you just mean that strength and that
21 drug; correct?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: Yes.

24 Q. (BY MR. BOWER) And at some
25 point in time, did you consider the broader

1 GPI information? For example, different
2 strengths of one drug? Let's take that
3 first.

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: Yes.

6 Q. (BY MR. BOWER) Okay. And when
7 did that change occur?

8 A. In November of 2017.

9 Q. And I'm just curious. How is
10 it that you're certain about that date?

11 A. Because we upgraded systems in
12 November of 2017.

13 Q. And did the upgraded systems
14 allow you to access this additional
15 information?

16 MS. FUMERTON: Objection, form.

17 MR. BOWER: And I'll strike
18 that.

19 Q. (BY MR. BOWER) I'm just trying
20 to understand. Why is it that -- and I'll
21 ask it this way. Why is it that the upgrade
22 in systems allows you to tell us that in
23 November 2017, you began looking at
24 additional information?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: The change in
2 systems alerted orders differently
3 than the Reddwerks system did.

4 Q. (BY MR. BOWER) And what system
5 are you referring to that was changed in
6 November of 2017?

7 A. It's now IQVIA, but you'll hear
8 us refer to it as "Buzzeo."

9 Q. Thank you for that.
10 So let's go back now to the
11 original kind of things that you considered.
12 We've talked about the first one, which
13 was -- which you just talked about. I don't
14 want to raise any objections, so we'll go to
15 the second one.

16 "Quantity of pills/
17 prescription." What does that mean?

18 MS. FUMERTON: Objection, form.

19 THE WITNESS: So the number of
20 pills per prescription.

21 Q. (BY MR. BOWER) And is that
22 information at the pharmacy level?

23 A. Yes.

24 Q. And do you recall how far back
25 that information would look?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: For each alert,
3 when we pull data, we looked at six to
4 nine months of past data.

5 Q. (BY MR. BOWER) The third
6 factor I think you mentioned was payments,
7 being insurance or by cash; correct?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: Yes.

10 Q. (BY MR. BOWER) Was that also
11 at the pharmacy level?

12 A. Yes.

13 Q. Did you also look at that data,
14 start looking at that data in July 2015?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: Yes.

17 Q. (BY MR. BOWER) Did your
18 consideration of that data change from
19 July 2015 through your involvement in this
20 process?

21 A. The payment information or the
22 data as a whole?

23 Q. The payment information now.

24 A. No.

25 Q. A couple more things and then

1 we'll be done with this for the moment.

2 The fourth thing you mentioned
3 was how far patients were traveling; correct?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: Yes.

6 Q. (BY MR. BOWER) And can you
7 just be more specific as to what that means
8 and whether -- strike that.

9 What does that mean?

10 A. So that means how far away is
11 the patient's address that we have on file
12 from the pharmacy in question.

13 Q. And all of this data we're
14 talking about, I'm now talking about the 1
15 through 5. Was this in Archer that you were
16 looking at this information?

17 A. No.

18 Q. Okay. Where was this
19 information made available? Strike that.

20 How was this information made
21 available to you?

22 A. Which timeframe?

23 Q. All right. I appreciate that
24 clarification. Let's start in July of 2015.

25 A. So when we first -- when I

1 first started in July of 2015, the data was
2 pulled directly from Teradata, put into
3 Excel, and then it grouped together to find
4 all of those different metrics.

5 Q. Did that process change at some
6 point?

7 A. Yes.

8 Q. And when did that change occur?
9 Approximately.

10 A. Later in 2015.

11 Q. Okay.

12 A. I was made aware of a system,
13 an analytical system, Alteryx. And so I
14 started pulling all of the information using
15 the Alteryx system.

16 Q. Okay. I don't want to get off
17 track on that kind of project, so we'll talk
18 about that Alteryx project maybe in a bit. I
19 just want to close this out.

20 Did the information that you
21 considered, with respect to how far patients
22 travel, change at any point from July 2015
23 through the time that you would have used
24 this information?

25 A. No.

1 Q. And then the same question for
2 how far away prescribers were.

3 A. No.

4 Q. And that information was also
5 at the pharmacy level? The prescriber
6 information? Is that correct?

7 A. Yes.

8 Q. I think I got ahead of myself
9 because we jumped ahead to this.

10 And this was -- this started --
11 you started doing these reviews in 2015;
12 correct?

13 A. Yes.

14 Q. In other words, prior to taking
15 the job as senior analyst, looking now to
16 your LinkedIn profile, "Senior Analyst,
17 Health and Wellness Controlled Substance,"
18 July 2015, prior to that date, you didn't
19 have any role in reviewing this type of data;
20 is that correct?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: I didn't look at
23 this type of data for the purposes of
24 suspicious order monitoring.

25 Q. (BY MR. BOWER) So for what

1 reasons would you have looked at this type of
2 data prior to July 2015?

3 A. So multiple projects that I
4 have helped with, I would pull data similar
5 to this. Especially the dispensing trends
6 and looking at payment information. That was
7 something we commonly looked at, with other
8 investigations. I helped a lot with billing
9 compliance, and they -- that was common data
10 that they looked at.

11 Q. Did you ever look at that data
12 in connection with your work on diversion
13 projects?

14 MS. FUMERTON: Objection, form.

15 THE WITNESS: Yes.

16 Q. (BY MR. BOWER) And do you
17 recall approximately when that would have
18 been?

19 Maybe just if you could look at
20 your LinkedIn profile, maybe just give us an
21 estimate as to what job you would have been
22 in when that would have occurred?

23 A. So I started working with
24 diversion, the diversion analytics team in --
25 when I was in the compliance analyst

1 position. We all went to Teradata training
2 together. And so it was during that
3 timeframe that I started working with them.
4 And so periodically over the last eight
5 years, I've helped them with different
6 queries and pulling data and looking at
7 things. But an exact timeframe, I'm not
8 sure.

9 Q. And I appreciate this is going
10 back a bit. Maybe we can put a finer point
11 on it, though, when we -- if we asked you
12 when you went to the Teradata training. Or
13 maybe not.

14 Well, but certainly it would
15 have started sometime before September 2014;
16 correct?

17 A. Yes.

18 Q. So before I forget, let's just
19 talk about Exhibit 4, since I already gave it
20 to you.

21 Take a moment to review it.
22 And same as Exhibit 3, this was also produced
23 as part of your custodial file. So I just
24 want to know if you're familiar with it, and
25 then we can have some -- I do have some

1 specific questions on the spreadsheet.

2 So take a moment to review it
3 and then we can talk about it.

4 [Document review.]

5 Q. (BY MR. BOWER) And I see now
6 you're looking at the -- kind of the longer
7 spreadsheet with the columns; is that
8 correct?

9 A. Yes.

10 Q. Take your time. I don't want
11 to cut you off, but I do want to point out
12 that my questions will primarily be focused
13 on just the column headings there. I'm not
14 going to ask you about the specific numbers,
15 so ...

16 But with that in mind, please
17 take your time.

18 A. Okay.

19 [Document review.]

20 MS. FUMERTON: And hopefully
21 not about specific numbers on this
22 page. (Indicating)

23 MR. BOWER: Yes. That's
24 correct. We won't be using that page.

25 But it may be -- I'm not

1 exactly sure how this document was
2 formatted natively, but it may be
3 helpful to turn to the second page,
4 the one that's landscape. It has more
5 information that I will be asking
6 about in those columns.

7 [Document review.]

8 I'm not going to ask you to
9 look at that page.

10 THE WITNESS: Okay. I couldn't
11 even begin to say what that one is.

12 MR. BOWER: I'm not sure why
13 that one came out so small.

14 [Document review.]

15 THE WITNESS: Okay.

16 Q. (BY MR. BOWER) Okay. So let's
17 start on the email. Do you recognize any of
18 these folks as Walmart employees?

19 A. No.

20 Q. And do you have any
21 understanding as to how this document came to
22 reside in your custodial file?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: No.

25 Q. (BY MR. BOWER) Do you have any

1 knowledge as to why this document was
2 produced as part of your custodial file in
3 connection with this case?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: No.

6 Q. (BY MR. BOWER) And let me just
7 ask just so I get an understanding of what
8 your familiarity is.

9 Why do you think you're here
10 today?

11 MS. FUMERTON: I -- I object to
12 that question to the extent that it is
13 seeking any information relating to
14 conversations with counsel.

15 To the extent you can answer
16 that question without revealing those
17 questions, you can answer the
18 question -- revealing those
19 communications, you can answer the
20 question.

21 THE WITNESS: Okay. So I'm
22 here because of my involvement with
23 the suspicious order monitoring
24 program, and that involves opioids
25 which are included in this case.

1 Q. (BY MR. BOWER) Do you have any
2 understanding, other than what you've just
3 told us, what this case is about?

4 MS. FUMERTON: Again, the
5 witness can answer to the extent that
6 she can do so without revealing any
7 communications with counsel, but
8 otherwise I instruct her not to answer
9 that question.

10 THE WITNESS: The only way I
11 know is because of counsel.

12 Q. (BY MR. BOWER) Okay. So other
13 than in communications with counsel, you
14 didn't do anything else to educate yourself
15 as to why Walmart is involved in this case;
16 is that correct?

17 A. Correct.

18 Q. You haven't reviewed the
19 complaint, for example?

20 A. No, I have not reviewed the
21 complaint.

22 Q. You're not familiar with the
23 allegations that are being made against
24 Walmart; is that correct?

25 MS. FUMERTON: Again, in the

1 context, outside of communications
2 with counsel, you can answer that.

3 If you have such knowledge, you
4 can answer that question, but it's not
5 directed based, I think, on his
6 earlier ones, on our communications.

7 I know, it's a tricky --

8 THE WITNESS: I think the
9 answer is still no.

10 MR. BOWER: Okay.

11 Q. (BY MR. BOWER) And have you
12 ever been asked whether you have documents
13 that may be responsive to the allegations in
14 this case?

15 MS. FUMERTON: Objection, form.
16 And to the extent -- objection, form.
17 If you can understand and answer his
18 question, you can answer "yes" or
19 "no."

20 THE WITNESS: Can you rephrase
21 the question? Try it that way?

22 Q. (BY MR. BOWER) Sure. And let
23 me do it this way.

24 We'll see today some documents,
25 some emails from you to others in Walmart and

1 some other documents that were produced to us
2 in this case. Okay?

3 A. Okay.

4 Q. Has anyone ever asked you
5 whether you might have documents to produce
6 to us that might relate to the allegations in
7 this case?

8 MS. FUMERTON: Again, objection
9 to the form of the question.

10 If the question is has anybody
11 asked her to -- whether or not she has
12 documents -- my objection is to the
13 "allegations in this case" portion of
14 the question. If you could rephrase.
15 And I'm not trying to be difficult.
16 I'm just trying to be helpful to get
17 you the information you want without
18 getting into any privileged
19 information.

20 Q. (BY MR. BOWER) Do you
21 understand the question?

22 A. The basic form of the question,
23 I think so, yes.

24 Q. Okay. I'm just trying to get
25 at whether anyone said, hey, Roxy, do you

1 have -- we've been sued in this case. Do you
2 have anything that might be relevant to the
3 case?

4 Anyone ever talk to you about
5 that?

6 A. With that wording, no.

7 Q. What about with any wording
8 similar to that?

9 A. Similar to that, no.

10 Q. What about in any capacity?

11 I mean, I'm not trying to play
12 games here. I'm just trying to figure out --
13 we've made certain document requests to
14 Walmart. Right? Certain documents were
15 produced. I'm just wondering whether anyone
16 ever came to you and said, "Hey, do you have
17 anything that we might need to produce in
18 connection with this opioid case?"

19 MS. FUMERTON: Okay. So I
20 think she's answered that question,
21 and I think this is getting into
22 complicated attorney -- potentially
23 attorney-client privileged information
24 that may be difficult for her to
25 navigate on her own. I can make this

1 representation, if this helps.

2 There is Archer data that
3 counsel -- as we have discussed
4 before, that has been produced in this
5 case that Ms. Reed assisted in
6 pulling. And so she is familiar with
7 that data and its production.

8 MR. BOWER: Okay. That is
9 helpful.

10 Q. (BY MR. BOWER) So other than
11 what your counsel just said, have you, for
12 example, been asked whether you have emails
13 that might relate to the allegations that
14 have been made against Walmart?

15 A. No.

16 Q. So let's go back to -- sorry
17 for that.

18 Let's go back to Exhibit 4.
19 And I'm not sure whether I allowed you to
20 answer my question. So let me ask it again.
21 And I think you have, but let me just ask it
22 again.

23 Are any of the folks on the
24 email Walmart employees, to the best of your
25 knowledge?

1 A. Not that I know.

2 Q. So let's look -- the email
3 reflects that the attachment is titled
4 "Methodology for flagging of store orders."

5 Do you see that?

6 A. Yes.

7 Q. And so if we look at the first
8 page of the attachment, which at the top says
9 "Steps taken to create the" file number of
10 order alerts, do you see -- the "final number
11 of order alerts." Do you see that?

12 A. Yes.

13 Q. Would these have been steps
14 that you would have taken within Access to
15 create these alerts?

16 MS. FUMERTON: Objection, form.

17 MR. BOWER: I'll strike it.

18 That was a poor question.

19 Q. (BY MR. BOWER) Would you have
20 taken any of these steps in Access as
21 reflected in this chart?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: So the steps,
24 steps 1, 2, and 3, were taken to
25 create the initial thresholds that

1 were then manually bound, that we
2 talked earlier with the 20 and 50.

3 But this looks like they were
4 trying to get a number of alerts, and
5 the actual alerts would have happened
6 in the Reddwerks system. So the
7 Access database wouldn't have
8 calculated a number of alerts. It was
9 calculating the threshold.

10 Q. (BY MR. BOWER) Do you know
11 where, during this time period, the alerts
12 would have been calculated?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: So alerts weren't
15 calculated. The alert happened in the
16 Reddwerks system. This document, they
17 were testing their methodology, from
18 what I can tell, and they were trying
19 to figure out, with this threshold,
20 would it have alerted and calculating
21 the number of alerts to test before
22 putting it in the Reddwerks system to
23 create actual alerts.

24 Q. (BY MR. BOWER) In other words,
25 it appears that they were trying to determine

1 whether these thresholds would create too
2 many or too few alerts.

3 Would you agree with that?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: I would say they
6 were trying to gauge the number of
7 alerts.

8 Q. (BY MR. BOWER) If we look at
9 the next page in that attachment -- so I'm
10 looking at the column "Shortcomings." Okay?

11 If you see -- if you look down,
12 one, two, three -- the fourth box down there?
13 That box states, "For stores which don't have
14 '0' order entries and have their minimum
15 thresholds limit replaced at 1764 (3*
16 standard deviation of all stores), the
17 current process won't detect aberrant order
18 sizes."

19 Do you see that?

20 A. Yes.

21 Q. And this is referring to
22 minimum thresholds; correct?

23 A. It looks like that, yes.

24 Q. Were those thresholds reflected
25 in Access at this time?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: Would which
3 thresholds?

4 Q. (BY MR. BOWER) Well, that's an
5 inappropriate question, so I'll rephrase.

6 Were there minimum thresholds
7 in the Access database at this time?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So the Access
10 database would not have the minimum
11 threshold.

12 Q. (BY MR. BOWER) Those would
13 have been in Reddwerks?

14 A. They would have been later
15 imported into Reddwerks, but they would be in
16 the Excel spreadsheets.

17 Q. Okay. Do you know how long
18 this data was in those Excel spreadsheets?

19 A. Okay, which --

20 MS. FUMERTON: Objection, form.

21 Go ahead. Ask --

22 Q. (BY MR. BOWER) Yeah, so I'm
23 just trying to get a handle on kind of the
24 sequence of events. At some point thresholds
25 are housed in Excel spreadsheets; is that

1 correct?

2 A. Yes.

3 Q. During that time period did
4 that occur?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: The thresholds
7 were always in -- while I worked on
8 the program, the thresholds were
9 always in Excel -- sorry.

10 They were in Excel and imported
11 into Reddwerks.

12 Q. (BY MR. BOWER) During the time
13 you were on the program, were they always
14 imported into Reddwerks?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: Depending on the
17 timeframe.

18 Q. (BY MR. BOWER) And I
19 appreciate that. That's why my question was
20 broader.

21 During the time that you were
22 involved in programming, were they always
23 imported into Reddwerks?

24 A. So not always into Reddwerks,
25 no.

1 Q. Can you explain what you mean
2 by that?

3 A. So in November of 2017, when we
4 moved to the Buzzeo program, Reddwerks was no
5 longer used to alert.

6 Q. So prior to November of 2017,
7 were the thresholds always imported into
8 Reddwerks?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: Yes.

11 Q. (BY MR. BOWER) Okay. And who
12 would have had -- strike that.

13 Who would have had
14 responsibility for importing the thresholds
15 into Reddwerks?

16 A. Me.

17 Q. And when did you start to have
18 that responsibility?

19 A. When I first joined the team,
20 Miranda did that. And so shortly thereafter,
21 once I was trained on how to do it -- so a
22 month, two months, I don't remember
23 exactly -- I took that over once I was
24 trained.

25 Q. So I'm just trying to walk

1 through kind of the process while you were
2 responsible for it. Okay?

3 The first step is the
4 calculations of those thresholds in the
5 Access database; is that correct?

6 A. So the first step would have
7 been pulling data out of Teradata, shipment
8 data out of Teradata and putting it in the
9 Access database.

10 Q. And then what's the next step?

11 A. So then after that, the initial
12 threshold would be calculated using the
13 formulas in Access.

14 Q. And then after that?

15 A. Exported to Excel.

16 Q. Okay.

17 So after the calculations are
18 made in Access, were there ever adjustments
19 made before exporting to Excel?

20 A. Not in Access.

21 Q. What about in anywhere?

22 A. In Excel is where we would put
23 the upper and lower limits. And then adjust
24 for any odd bottle sizes, the 500-count
25 bottles, the 1,000-count bottles, and

1 liquids.

2 Q. And do you know -- strike that.

3 You mentioned that Miranda had
4 been doing this for -- at some time period
5 before you; correct?

6 A. Yes.

7 Q. Do you know when this procedure
8 or process that you just described first
9 began at Walmart?

10 A. I do not.

11 Q. If you look at Exhibit 3 or 4,
12 based on your experience and your involvement
13 in Access, does it appear that this procedure
14 was being performed in January 2014?

15 A. No.

16 Q. And why do you say that?

17 A. As far as the Access part of
18 it, I didn't create that database until later
19 in 2014. So I'm not sure how they would have
20 been doing it prior to late 2014.

21 Q. So if we could go, then, to --
22 let's see, the third page of the attachment.

23 MS. FUMERTON: Which exhibit
24 are we on now?

25 MR. BOWER: Sorry, Exhibit --

1 sorry. That's a good -- fair point.

2 Exhibit 4.

3 MS. FUMERTON: Okay.

4 MR. BOWER: The third page of
5 the attachment, kind of the page
6 before the landscape page which --
7 store number in the top left?

8 THE WITNESS: Yes.

9 Q. (BY MR. BOWER) That just
10 reflects the Walmart store number; correct?

11 A. Yes.

12 Q. And then, do you have any
13 knowledge as to what " $Q3 + 1.5 (Q3 - Q1)$ "
14 means?

15 A. No.

16 Q. What about the next column,
17 "Threshold"?

18 A. I can assume what it is, would
19 be the calculated threshold. But without
20 knowing more context of the rest of the
21 data ...

22 Q. Well, these were in your
23 custodial file. Okay? So I'm just trying to
24 understand what the data means. If you don't
25 know, do you know who at Walmart might know

1 the answer to that question?

2 A. I don't know based off this
3 document. I don't know who at Walmart it was
4 sent to.

5 Q. Do you know who at Walmart
6 would have been working thresholds in
7 January 2014?

8 A. Kristy.

9 Q. And based on your experience,
10 do you know what "Average" would refer to?

11 A. I would assume the average, but
12 I don't know if it would be the average of
13 the threshold or Q3. I've never seen this
14 before today.

15 Q. What about "Max"? Have you
16 seen that?

17 A. I don't know.

18 Q. Okay. So I guess we'll have to
19 ask Kristy.

20 Let's go to the next page,
21 then. I want to just see if you have any
22 familiarity with these column headings.
23 Okay, again, we have the store number; right?

24 A. Yes.

25 Q. And here we have average of all

1 non-0 entries. Do you see that?

2 A. Yes.

3 Q. Do you know what that would
4 refer to?

5 A. So for all of this, without
6 seeing the data, I could make assumptions of
7 what this means based off the headers, but I
8 haven't seen it nor was I involved in the
9 data pulling or the data manipulation, so I
10 can't really answer many questions about the
11 data. Especially headers. You never know
12 what the exact header means.

13 Q. Well, I'm not asking you to --
14 specific questions about the data, but I am
15 asking you based on your experience at
16 Walmart, based on your work in the Access
17 database, your involvement in this process.
18 And the fact that these were in your
19 custodial file. So I'm going to ask the
20 questions. If you tell me you don't know,
21 that's okay. But I have to ask them. Okay?

22 A. Okay.

23 Q. Do you know what "Average of
24 all order entries" would refer to?

25 A. I'm assuming all of -- the

1 average of the orders that were in the data
2 set.

3 Q. And, again, just going back for
4 a moment and based on your experience, when
5 they say "Order" here, they're really
6 referring to an order of a specific item
7 number; correct?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: I would assume
10 so, yes.

11 Q. (BY MR. BOWER) And why would
12 you assume that?

13 A. Based on the fact that the
14 thresholds were on an item-specific level,
15 then I would assume that that's what this
16 analysis was on as well.

17 Q. Okay. Thank you.

18 Instead of me going through
19 these one by one, why don't you take a
20 moment, read them, and tell me if you are
21 familiar with what any of them mean.

22 MS. FUMERTON: And limited to
23 this page.

24 MR. BOWER: Limited to this
25 page, yes. Sorry. Thank you. I'm

1 just trying to make it easier for
2 everybody.

3 THE WITNESS: So again, I could
4 make assumptions of what these mean
5 based off the headers.

6 Q. (BY MR. BOWER) Okay. Well,
7 why don't we just go through them quickly and
8 have you at least tell us based on your
9 experience what you believe them to mean. I
10 think that might be helpful for us down the
11 road.

12 A. Okay.

13 Q. Okay?

14 So why don't we just start
15 where we left off. "Difference of non-0
16 average from overall mean."

17 A. So it looks like they were
18 taking the difference of that individual
19 store, non-0 average, so excluding the 0s, to
20 the overall mean for that drug.

21 Q. And --

22 A. I'm assuming.

23 Q. And the overall mean would be
24 overall for all stores? All Walmart
25 pharmacies, rather?

1 A. That's the way I would
2 interpret it.

3 Q. Okay. Has Walmart ever looked
4 at, for example, the mean for pharmacies in
5 addition to Walmart pharmacies?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: So looking at
8 other -- like competitors?

9 MR. BOWER: Yes.

10 THE WITNESS: Not that I'm
11 aware of.

12 Q. (BY MR. BOWER) Okay. Have you
13 ever been involved in any discussions of
14 whether Walmart should consider, you know,
15 the ordering patterns for other pharmacies?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: I have not.

18 Q. (BY MR. BOWER) Okay. And then
19 what -- "percentage change in mean," what,
20 based on your experience, would that refer
21 to?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: I think that's
24 just the percent change between the
25 different -- of the difference.

1 Q. (BY MR. BOWER) In other words,
2 when you strip out the non-0 orders, how that
3 impacts the mean?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: It's hard to tell
6 from the header. I assumed it was the
7 difference -- the percent change from
8 that drug to the overall mean.

9 Q. (BY MR. BOWER) I see. Okay.
10 But it's hard to tell from
11 looking at the document; right?

12 A. Absolutely.

13 Q. I think the next few are pretty
14 self-explanatory with respect to standard
15 deviation of all non-0 entries. That's just
16 stripping out orders of 0; correct?

17 MS. FUMERTON: Objection, form.

18 Q. (BY MR. BOWER) All right, well
19 let me just ask it, then.

20 What does standard -- based on
21 your experience, "standard deviation of all
22 non-0 entries" refer to?

23 A. So it's excluding the non-0
24 entries which were excluded in the average,
25 and then the standard deviation of those

1 orders.

2 Q. And then what about -- three
3 standard deviations is that number just times
4 3; correct?

5 A. Yes.

6 Q. What about "MU plus 3 Sigma"?
7 Do you know what that refers
8 to?

9 A. Yes. So "MU" would be the
10 mean. That's the symbol for mean. And then
11 "Sigma" is the symbol for the standard
12 deviation.

13 So that would be the mean plus
14 three standard deviations.

15 Q. Very helpful. Thank you.

16 Do you know what the next one
17 refers to when it says, "Calculate a
18 threshold from present methodology"?

19 Do you see that?

20 A. I do.

21 Q. Do you know what "present
22 methodology" would refer to?

23 A. I do not.

24 Q. What about if you look at the
25 actual -- now I am asking you to look at the

1 actual numbers. Do you see -- at least on
2 this page, they all appear to be the same
3 except for one. Does that help you in any
4 way answer that question?

5 A. Well, there's a hand -- it
6 looks like three --

7 Q. I apologize. Right.

8 A. -- or four that are different.
9 It does not help.

10 Q. And then the next column,
11 "Difference from threshold" is just -- maybe
12 it's not so clear.

13 It's just subtracting that
14 calculated threshold from present methodology
15 from the MU plus 3 Sigma; correct?

16 A. That looks to be correct, yes.

17 Q. Do you know what the "Maximum
18 order," going over a few, refers to?

19 A. My best guess would be the
20 maximum order for that store for the
21 timeframe.

22 Q. (BY MR. BOWER) Is there any
23 way to tell what that timeframe is by looking
24 at this document?

25 MS. FUMERTON: I think his

1 question is broader, so I just want to
2 make sure you take the time to look.

3 Q. (BY MR. BOWER) Yeah. Is there
4 anywhere in here where you would look to know
5 what kind of timeframe we're looking at here?

6 A. So the first page of the
7 attachment says "Time period for calculating
8 mean and standard deviation was from Walmart
9 week 201249 to 201348."

10 Q. Okay. So would that refer to
11 week 49 in the year 2012?

12 A. I think so. I think it's real
13 year, not fiscal year.

14 Q. Okay.

15 A. This was --

16 Q. This was early '14 -- really
17 early year 2014, if that helps.

18 A. Yeah. So I think that's real
19 year, based on that.

20 Q. Okay.

21 A. So because that would be --
22 January of 2014 would be fiscal year '14.

23 Q. Right.

24 A. And so I don't -- logically
25 they would have used just the weeks prior and

1 then a year back.

2 Q. Okay. So based on that, this
3 looks to be approximately a year's worth of
4 data? Would you agree with that?

5 A. Yes.

6 Q. And I think the rest are
7 self-explanatory there.

8 Oh, I do have a couple more
9 questions on, not this page, but a couple
10 pages further, after the page with the --

11 A. After the extremely small page?

12 Q. Yes.

13 A. Okay.

14 Q. So on the top of that page, it
15 says that "Stores flagged by method one, but
16 not Dixon test." Do you know what "Dixon
17 test" refers to?

18 A. I do not.

19 Q. Okay. I think we're done with
20 that document.

21 MS. FUMERTON: We have been
22 going approximately an hour. A little
23 over an hour. Is now a --

24 MR. BOWER: Yeah, it is. I
25 might have just one follow-up

1 question, but we can certainly take a
2 break. Let me just read my notes.

3 No, we can take a break.

4 MS. FUMERTON: Okay.

5 THE VIDEOGRAPHER: 10:44. We
6 are off the video record.

7 (Recess taken, 10:44 a.m. to
8 10:59 a.m.)

9 THE VIDEOGRAPHER: 10:59. We
10 are on video record.

11 Q. (BY MR. BOWER) Now we're back
12 on the record.

13 A. Okay.

14 Q. Let me hand you what's marked
15 as Exhibit 5.

16 (Walmart-Reed Deposition
17 Exhibit 5 was marked for
18 identification.)

19 Q. (BY MR. BOWER) And you will
20 see it's a rather lengthy document. So do
21 take your time and review it. I'm not going
22 to ask you too many questions on it. Just
23 have a couple of questions on the cover
24 email. And then I want to talk about kind of
25 why you're sending this document in end of

1 2014. And then a couple of the slides on the
2 attachment.

3 But certainly feel free to
4 review them all, but I'll direct you to the
5 ones I'll have questions on. And that's
6 ending in 582 and 583.

7 MS. FUMERTON: Okay. But you
8 still can take time to review the --

9 MR. BOWER: Yes.

10 MS. FUMERTON: -- entire
11 document --

12 MR. BOWER: Yes.

13 MS. FUMERTON: -- for context.

14 MR. MILLER: And while the
15 witness is reviewing the document, can
16 someone read the entire Bates range of
17 the document?

18 MR. BOWER: Sure. The first
19 Bates number is a Walmart document
20 ending in 48562, and it goes through
21 48598.

22 [Document review.]

23 MS. FUMERTON: And while she's
24 reviewing --

25 Zach, I understand that

1 Exhibit 4 -- and I'm not objecting to
2 the exhibit. I just want to make a
3 record that there were additional tabs
4 in the native file that aren't
5 reflected here.

6 MR. BOWER: Okay. Thank you
7 for that.

8 [Document review.]

9 Q. (BY MR. BOWER) Have you had a
10 chance to review the document? Or are you
11 still looking?

12 A. Well, I have reviewed --
13 skimmed through it, yes.

14 Q. And what I'm going to do is
15 I'll start the questions. If you need more
16 time to look at it, then we can give you some
17 more time to look at it. Okay?

18 A. Okay.

19 Q. So just going to the cover
20 email, the email from yourself to
21 Maria Smith? Do you see that?

22 A. Yes.

23 Q. Dated 11-3-2014; correct?

24 A. Yes.

25 Q. Who is Maria Smith?

1 A. Maria Smith was the director of
2 the -- it included the systems analytics team
3 that I was on. I think, based on the second
4 page, she's the director of health and
5 wellness compliance monitoring risk and
6 governance.

7 Q. Oh, I see it there.

8 Do you have any recollection as
9 to why you would be sending her this document
10 in November 2014?

11 A. I had to go all the way to the
12 very last page to see my involvement.

13 Q. Okay.

14 A. It would have been the national
15 assessment program.

16 Q. Okay. And you were looking
17 at -- just so the record is clear, what's the
18 Bates number on the page you're looking at?

19 MS. FUMERTON: And the Bates
20 number is on the thing on the corner.

21 MR. BOWER: On the bottom.
22 Sorry, yeah.

23 THE WITNESS: The last numbers
24 are 48598.

25 Q. (BY MR. BOWER) Okay. And what

1 was the national assessment program?

2 A. So it is the compliance
3 assessment program that we assessed a
4 sampling of our stores in regards to their
5 compliance to different programs.

6 Q. I'm just trying to kind of
7 unpack exactly what that means.

8 So can you identify for us what
9 programs you were attempting to assess
10 compliance of?

11 A. So there would have been
12 multiple different compliance-related things
13 involved in the assessment.

14 Q. Okay. Maybe I can streamline
15 this a little bit.

16 A. Okay.

17 Q. Did any of those relate to
18 diversion?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: Not that I
21 recall.

22 Q. (BY MR. BOWER) Did any of
23 those relate to suspicious order monitoring?

24 A. No.

25 Q. Did any of those relate to

1 dispensing in connection with red flags for
2 prescribers or C-II products?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: So there were
5 questions involving following our
6 policies, and so that would include
7 the proper drop-off procedures,
8 reviewing other prescriptions, things
9 like that. And then there were
10 security-related questions with
11 controlled substances.

12 Q. (BY MR. BOWER) Okay. Can you
13 just give a -- give us an example of what you
14 mean by "security-related questions"?

15 A. So are the keys to the C-II
16 drawer on the manager at all times?

17 Is the -- is the drawer locked
18 at all times?

19 Things like that.

20 Q. And these were questions
21 because Walmart was concerned with employee
22 pilferage; is that correct?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: So they were
25 questions to be sure that our policies

1 were being followed.

2 Q. (BY MR. BOWER) And those
3 policies were designed to minimize employee
4 pilferage of C-II narcotics; is that correct?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: The policies were
7 in place, and the result of those was
8 to minimize inappropriate employee
9 actions.

10 Q. (BY MR. BOWER) And, in fact,
11 Walmart tracked employee pilferage, didn't
12 it?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: We have a global
15 investigations team that would have
16 handled that. I'm -- I'm not sure
17 what kind of tracking they have.

18 Q. (BY MR. BOWER) So let's look
19 back at this exhibit, then.

20 Given what you said, I just
21 have a couple of questions. And I misspoke
22 earlier. I do have a question on page ending
23 48581. So if we could turn to that. That
24 page says "Risk overview," and the first
25 bullet point says "Upgrades to security

1 cameras required under MOA with DEA."

2 Do you see that?

3 A. Yes.

4 Q. Do you know what "MOA" stands
5 for?

6 A. I've heard the term multiple
7 times. I can't recall what the acronym
8 means.

9 Q. Do you know what was required
10 of Walmart relating to this MOA with the DEA?

11 A. I don't know everything that
12 was required, no.

13 Q. Well, what do you know about
14 it?

15 A. I do know that the -- our
16 refusal-to-fill process stemmed from the MOA.

17 Q. Do you know when Walmart
18 entered into the MOA?

19 Just provide a verbal answer so
20 the --

21 A. Umm --

22 Q. Oh, sorry. Were you still
23 thinking?

24 A. Yeah.

25 Q. I'm sorry about that.

1 A. I was like, okay.

2 Q. Sorry about that. I thought I
3 had missed a head nod or a shake.

4 A. No.

5 MS. FUMERTON: Again, I just
6 want to question, and again, I don't
7 know if there is anything here, but
8 again, to the extent you have
9 knowledge, you can answer his
10 questions, but to the extent that it
11 would reveal communications with
12 attorneys, then I would instruct you
13 not to answer. But otherwise, please
14 answer the question.

15 MR. BOWER: Well, the answer
16 just calls for a date, so I think she
17 can answer.

18 MS. FUMERTON: No, I agree.
19 I'm just saying in general with
20 respect to --

21 MR. BOWER: This issue?

22 MS. FUMERTON: Yeah, this
23 issue.

24 THE WITNESS: Yeah, I don't
25 know -- I know the refusal-to-fill

1 process, as I worked with it, started
2 in 2011, and I knew it was involving
3 the MOA. But other than that, I
4 wouldn't have been involved in that
5 section at all.

6 Q. (BY MR. BOWER) And what is
7 that refusal-to-fill process that you're
8 referring to?

9 A. So the refusal-to-fill process
10 is where our pharmacists document when they
11 refuse to fill a prescription.

12 Q. And it's your understanding
13 that Walmart adopted that process in
14 connection with an MOA with the DEA; is that
15 correct?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: Walmart started
18 reporting the results of that process
19 because of the MOA.

20 Q. (BY MR. BOWER) Okay. Do you
21 have any knowledge as to whether Walmart made
22 changes to the process as a result of the
23 MOA?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: I do not know.

1 Q. (BY MR. BOWER) Do you know who
2 would know that?

3 A. Somebody on the now practice
4 compliance team.

5 Q. This page, going back to this
6 page on this exhibit, page ending in 48581,
7 refers to "Upgrades to security cameras
8 required under MOA with DEA."

9 Do you see that?

10 A. Yes.

11 Q. Do you know what that refers
12 to?

13 A. Based on this, it seems like we
14 had to update our closed-circuit TVs, but
15 other than what this says, I don't know.

16 Q. And also based on this, it
17 refers to general controlled substance
18 security requirements; correct?

19 A. Yes.

20 Q. And that's also in connection
21 with the MOA with the DEA; correct?

22 MS. FUMERTON: Objection, form.

23 Q. (BY MR. BOWER) Well, let me
24 just read the whole thing in the record,
25 then. It says, "Refill overview. Upgrades

1 to security cameras required under MOA with
2 DEA and general controlled substance security
3 requirements."

4 Do you see that?

5 A. Yes.

6 Q. And then it has a chart there;
7 right?

8 A. Yes.

9 Q. And the chart reflects
10 number of installations for CCT -- CCTV
11 cameras; right?

12 A. Yes.

13 Q. And those installations appear
14 to go from approximately less than -- well,
15 strike that.

16 What is -- let me try that
17 again.

18 The first date on the bottom of
19 the chart is 5-8.

20 Do you see that?

21 A. Yes.

22 Q. What's the approximate number
23 of cameras identified on 5-8, based on the
24 chart?

25 MS. FUMERTON: Objection, form.

1 Q. (BY MR. BOWER) It appears to
2 be less than 25; right?

3 Would you agree it's less than
4 100? Make it easier?

5 A. Yes.

6 Q. And then throughout the year it
7 tracks upward; correct?

8 A. Yes.

9 Q. And it ends approximately --
10 the chart ends approximately on, I would say
11 around -- sometime around 11-6?

12 MS. FUMERTON: Is there a
13 question?

14 Q. (BY MR. BOWER) Give or take?
15 Would you agree with that?

16 MS. FUMERTON: Objection, form.

17 Q. (BY MR. BOWER) With the line
18 on the chart? Ends approximately 11-6.

19 Would you agree with that?

20 A. Yes.

21 Q. And at that point, it appears
22 that there are now well over 2,000 CCTV
23 cameras. Would you agree with that?

24 MS. FUMERTON: Objection, form,
25 lack of foundation.

1 THE WITNESS: Yes.

2 Q. (BY MR. BOWER) So it appears
3 from this chart on this slide that Walmart
4 has added more than 2,000 security cameras in
5 less than a year as a result of an MOA with
6 DEA related to controlled substances.

7 Would you agree with that?

8 MS. FUMERTON: Objection, form.
9 Lack of foundation.

10 THE WITNESS: Yes.

11 Q. (BY MR. BOWER) Okay. Let's
12 turn to the next page, ending in 582.

13 Do you see this has a chart
14 regarding dispensing trends?

15 A. Yes.

16 Q. Would you have any personal
17 involvement in the information that was
18 included in this chart?

19 A. No.

20 Q. Do you know whether -- for
21 example, if you look at the -- it's a little
22 bit hard to tell because this is not in
23 color, but you can tell by the format of the
24 line, if you look at, for example, the top
25 one, which is HCP or hydrocodone combination

1 products.

2 Do you see that?

3 A. Yes.

4 Q. Which is the -- kind of the
5 gray line with the square?

6 MS. FUMERTON: They're all
7 gray. Just for the record.

8 I guess --

9 Q. (BY MR. BOWER) Well, let's go
10 through it.

11 MS. FUMERTON: I just want to
12 make the record to be clear.

13 Q. (BY MR. BOWER) Yeah, so the
14 record will reflect we're looking at page
15 ending in 48582. There's four lines in this
16 chart. The oxycodone line is just a darkish
17 gray line. There's a title on all three
18 lines, which is lighter gray with a box
19 outlined in darker gray.

20 And there is an HCP line with a
21 similar line, but that box is not outlined in
22 darker gray, and there's a Tramadol line
23 which is the darkest gray. Okay?

24 So can you tell from that kind
25 of -- those indications in the bottom right,

1 which of these lines, for example, tracks the
2 hydrocodone combination products?

3 A. The top one.

4 Q. Okay. And do you know where
5 Walmart would have pulled this information
6 from?

7 A. So my best guess, having not
8 pulled the data, would be either Teradata or
9 Retail Link.

10 Q. Is it your understanding, based
11 on your experience with pulling data at
12 Walmart, that this data reflects Walmart
13 dispensing and not some other dispensing
14 number?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: Yes, it would
17 just be Walmart data.

18 Q. (BY MR. BOWER) So it appears
19 here that Walmart is, for example, tracking
20 dispensing of oxycodone products during this
21 year; correct?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: Oxycodone
24 products appear to be on here.

25 MR. BOWER: Right.

1 THE WITNESS: As far as the
2 dispensed.

3 Q. (BY MR. BOWER) And this chart
4 reflects dispensing trends; right?

5 A. Yes.

6 MS. FUMERTON: Objection, form.

7 Q. (BY MR. BOWER) The top of this
8 notes, the first bullet point, as of 10-6-14,
9 hydrocodone combination products are
10 Schedule II controlled substances and subject
11 to heightened security requirements.

12 Do you see that?

13 MS. FUMERTON: Objection, form.
14 Misstates the document.

15 Q. (BY MR. BOWER) You can answer
16 it.

17 MS. FUMERTON: It's not a test.
18 You said "heightened security
19 requirements." The word "security" is
20 not in there.

21 MR. BOWER: Oh, okay.

22 Q. (BY MR. BOWER) So basically
23 heightened requirements.

24 Do you see that?

25 A. Yes.

1 Q. Do you know what that refers
2 to?

3 A. Hydrocodone change schedule
4 from a -- I think it was a III to a II.

5 Q. And do you know what heightened
6 requirements were required when it became a
7 Schedule II?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So Schedule II
10 drugs have different requirements than
11 the other schedules, such as different
12 prescription requirements, different
13 security requirements for the actual
14 drugs themselves.

15 Q. (BY MR. BOWER) Do you know
16 whether the requirements for suspicious order
17 monitoring are different for Schedule II
18 products versus Schedule III products?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: Do I know if --
21 can you restate the question?

22 Q. (BY MR. BOWER) Sure. I'll
23 just read back the question.

24 Do you know whether the
25 requirements for suspicious order monitoring

1 for distributors are different for
2 Schedule II products versus Schedule III
3 products?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: I do not.

6 Q. (BY MR. BOWER) If you'd turn
7 to the next page.

8 Okay. This is titled "DEA
9 activity." Do you see that at the top?

10 A. Yes.

11 Q. And then it says "DC 6028
12 inspection"? Do you see that?

13 A. Yes.

14 Q. Okay. The first bullet point
15 states, "DEA requested additional information
16 about our suspicious order monitoring program
17 in late September." Do you see that?

18 A. Yes.

19 Q. Do you know anything about
20 that?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: So I was involved
23 in helping pull some data in late
24 September for 6028.

25 I did not know at the time that

1 it had anything to do with the
2 suspicious order monitoring.

3 Q. (BY MR. BOWER) Okay. Well
4 just -- I was asking about what you did then,
5 not whether it was involved in this.

6 Okay. What did you do in late
7 September for data with respect to 6028?

8 A. So that was four years ago.

9 Q. Right.

10 A. And so I don't remember
11 specifics. I remember pulling large amounts
12 of data, and then there were conversations
13 about the data with legal.

14 Q. Okay. Do you remember who
15 asked you to pull the data?

16 A. With this one, I don't remember
17 specifically who pulled me into the project.

18 Q. Okay. Do you recall the names
19 of others who may have been involved in the
20 project?

21 A. So Kristy Spruell was, as well
22 as George Chapman. And then there were
23 logistics folks that I weren't -- I didn't
24 have any interaction with.

25 Q. And what were the names of the

1 folks from legal who you would discuss the
2 data with?

3 A. She was outside counsel.
4 Jodie -- I do not remember her last name.

5 Q. Do you know what firm she was
6 with, for example?

7 A. No.

8 Q. Did you speak with her on the
9 phone or in person?

10 A. We spoke on the phone a couple
11 of times, and then I know there were some
12 emails that she was included in.

13 Q. Okay. Do you recall anything
14 else about the data that was pulled?

15 A. All I know is it was shipment
16 data.

17 Q. Okay. As you sit here today,
18 nothing else you can recall about a request
19 related to pulling data for 6028 that we
20 haven't discussed already?

21 MS. FUMERTON: And I would just
22 like to add as a limit around that
23 question, that was not discussed with
24 counsel.

25 THE WITNESS: No.

1 (Walmart-Reed Deposition

2 Exhibit 6 was marked for

3 identification.)

4 Q. (BY MR. BOWER) Okay. You've
5 been handed what's been marked as Exhibit 6.
6 So please take your time to review it, to --
7 it's relatively short, two-page email, with
8 an attachment.

9 So while you're doing that,
10 I'll read the Bates number. It begins in
11 26982, ending in 26988. And again, it's a
12 Walmart document.

13 [Document review.]

14 MS. FUMERTON: I'm sorry. Do
15 you need to ask me a question?

16 THE WITNESS: Yes.

17 Can I ask her a question?

18 MS. FUMERTON: Is it a question
19 about potentially privileged
20 information?

21 THE WITNESS: Yes.

22 MS. FUMERTON: Okay. Can we
23 please go off the record?

24 MR. BOWER: Sure.

25 THE VIDEOGRAPHER: 11:23. We

1 are off the video record.

2 (Recess taken, 11:23 a.m. to
3 11:25 a.m.)

4 THE VIDEOGRAPHER: 11:26. We
5 are on the video record.

6 MS. FUMERTON: And I just
7 wanted to -- I don't think a question
8 was pending. She's in the process of
9 reviewing, so if she can continue to
10 review the document before you ask
11 questions, that would be appreciated.

12 MR. BOWER: Sounds good.
13 Please do so.

14 THE WITNESS: Okay.

15 Q. (BY MR. BOWER) So let's start,
16 I guess, on the cover email. At the top is
17 an email from Miranda Johnson to yourself.
18 Correct?

19 A. Yes.

20 Q. Cc'ing a few others.

21 And this is dated November 7,
22 2014; correct?

23 A. Yes.

24 Q. Do you have any understanding
25 as you sit here today why Miranda is sending

1 this to you in November of 2014?

2 A. Yes.

3 Q. And --

4 A. And --

5 Q. Go ahead.

6 MS. FUMERTON: Let him ask his
7 question.

8 THE WITNESS: Sorry.

9 Q. (BY MR. BOWER) And what is
10 that understanding?

11 A. So I was in charge of the
12 health and wellness compliance dashboard that
13 was sent to our VP. At the time it looks
14 like it was Phyllis Harris.

15 And part of that scorecard
16 included a quantitative part, which would
17 have been the Tableau dashboard. And then
18 there was a qualitative section.

19 So I sent out -- earlier in the
20 email, I sent to the leaders of the team, the
21 stakeholders, asking for updates to the
22 qualitative section, and they would send me
23 back their updates.

24 Q. So was that the full scope of
25 your responsibility in connection with the

1 update? Simply sending it out?

2 MS. FUMERTON: Objection, form.
3 Misstates the testimony.

4 MR. BOWER: Well, I'll strike
5 it, then.

6 Q. (BY MR. BOWER) Were you
7 involved in putting this update together at
8 all?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: The information
11 in each of the different sections came
12 from the leaders of that area, and I
13 combined them all into one document to
14 go to leadership.

15 Q. (BY MR. BOWER) Okay. If you'd
16 turn to the last page of the document, it
17 refers to suspicious order monitoring.
18 Right?

19 A. Yes.

20 Q. Were you involved in suspicious
21 order monitoring during this time period? In
22 any way?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: I was still on
25 Casey's team working with the systems

1 analytics, but there were portions of
2 this I was supporting at that time.

3 Q. (BY MR. BOWER) Okay. And what
4 were you supporting at that time?

5 This is, again, November of
6 2014.

7 A. So that would have been at the
8 time that I was helping with the Access
9 database, that created the thresholds. And
10 there's also a reference to the store
11 profile. And that would be in Archer that I
12 would have helped develop.

13 Q. Why don't I just ask about that
14 store profile, since you mentioned it. Do
15 you recall what information is in the store
16 profile?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: The information
19 that was in the store profile at the
20 time would be different than now.

21 At the time, I know that there
22 was basic store information, so DEA
23 number, where the store is located,
24 things like that.

25 So if my memory serves me

1 right, at the time it would have been
2 the more basic information.

3 Q. (BY MR. BOWER) Let me ask kind
4 of a related question. Earlier, if you
5 recall, we talked about certain information
6 such as quantity of pills per prescription,
7 whether payments were made in insurance
8 versus cash. Was that information included
9 in the store profile at any time?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: That information
12 is now linked to the store profile.
13 It's not a part of the store profile.
14 It's linked to it.

15 Q. (BY MR. BOWER) Do you have
16 any, as you sit here today, recollection of
17 when Walmart began linking that information
18 to the store profile?

19 A. We started in late 2015, and
20 did all the data for 2015.

21 Q. And do you have any
22 recollection -- strike that.

23 Do you have any knowledge as to
24 why Walmart started linking that information
25 to the store profile?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: So that was done
3 after I joined the team, and it was an
4 enhancement to the store profile based
5 on the "know your customer"
6 information.

7 Q. (BY MR. BOWER) And was that in
8 connection with Walmart's suspicious order
9 monitoring program?

10 A. Yes.

11 Q. And if you look at -- oh,
12 sorry. Yeah, you already answered that
13 question.

14 If you look at page 2 of the
15 attachment, there is a reference to that
16 hydrocodone reclassification.

17 Do you see that?

18 A. Yes.

19 Q. Okay. Did that
20 reclassification impact in any way your
21 duties and responsibilities?

22 A. No.

23 Q. When did you first become
24 involved in Archer? I think I asked this,
25 but ...

1 I think we're getting closer to
2 that time period now, so let me ask it again.

3 A. I was initially trained in
4 Archer in 2010.

5 Q. Okay.

6 A. And we started using it in
7 2011.

8 Q. Let me be more specific, then.

9 When did you first become
10 involved in Archer in connection with
11 Walmart's suspicious order monitoring process
12 for controlled II substances?

13 And I don't want to make -- let
14 me show you a document, because I don't want
15 to make this a --

16 A. Okay.

17 Q. Before you answer it. I can
18 strike that question and ...

19 A. Okay.

20 (Walmart-Reed Deposition
21 Exhibit 7, was marked for
22 identification.)

23 Q. (BY MR. BOWER) Okay. You've
24 been handed what's been marked as Exhibit 7.
25 It's just a cover email with a short

1 attachment. It's an email from Miranda to
2 yourself dated December 3rd, 2014. The Bates
3 is 9489 through 9491.

4 And so going back to my
5 question before, which I withdrew, when did
6 you first become involved with Archer in
7 connection with Walmart's suspicious order
8 monitoring program for controlled II
9 substances?

10 A. So based on this email, I would
11 assume it would have been around November of
12 2014, because by December 3rd, I had a kind
13 of process flow for Archer. So it would have
14 been sometime in October or November that we
15 would have initially talked about it, to get
16 kind of the ball rolling as far as creation
17 goes.

18 Q. And can you just, in your own
19 words, describe what you mean by "the ball
20 rolling as far as creation goes"? Describe
21 what that means.

22 A. So system creation, you have to
23 find requirements and make sure that, for
24 one, that the system is the right system to
25 meet the needs of what the process would be.

1 And then what the requirements are, what the
2 fields are, what kind of configuration needs
3 to happen. Things like that.

4 Q. And you were involved in that
5 for Archer in connection with SOM; is that
6 correct?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: Yes.

9 Q. (BY MR. BOWER) So let's break
10 that down, then, a little bit more.

11 How did you determine whether
12 Archer was the right system to meet the needs
13 for Walmart's suspicious order monitoring
14 program?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: I don't remember
17 the initial conversations about using
18 Archer. We were already using Archer
19 for some incident management things,
20 so this would have been a natural fit.
21 It's another type of incident. So
22 Archer is quite good at the incident
23 management portion. So I don't
24 remember initial conversations.

25 Q. (BY MR. BOWER) Well, did you

1 have, at that time -- and "that time" being
2 kind of the end of 2014 -- understanding as
3 to what the needs were for Walmart's
4 suspicious order monitoring program?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: So I would have
7 understood, based on conversations,
8 enough to know that fields we needed
9 to capture. What the needs were as
10 far as meeting requirements or
11 anything like that, I wouldn't have
12 had any insight into.

13 Q. (BY MR. BOWER) Okay. So your
14 involvement was more on the kind of
15 requirements for the application itself?
16 Would that be accurate?

17 A. For the Archer application?

18 Q. Correct.

19 A. Yes.

20 Q. Okay.

21 Do you recall who told you what
22 those requirements were?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: Based on this
25 email, I would have been working with

1 Miranda.

2 Q. (BY MR. BOWER) Okay. Is there
3 anyone else other than Miranda that would
4 have been involved in discussions with
5 respect to what the requirements were in
6 using Archer for Walmart's suspicious order
7 monitoring for Schedule II products?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So at some point,
10 Kristy would have been involved, but
11 she also was out for a while at a
12 point in this time. So she probably
13 was involved at some point in limited
14 fashion as well.

15 Q. (BY MR. BOWER) What do you
16 mean by "she was out for a while"?

17 [REDACTED]
18 Q. Thank you. And just for the
19 record, just so we can have any clarity as to
20 why she was out.

21 She was out, you believe,
22 during this time period?

23 A. Yes.

24 Q. Or in or about this time
25 period?

1 A. Yes.

2 Q. So let's turn to the
3 attachment, then. You see it says "Order of
4 Interest Evaluation"?

5 A. Yes.

6 Q. Do you know what that refers
7 to?

8 A. Yes. Orders that were flagged.

9 Q. And do you know for what
10 purpose they were flagged?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: So they would
13 have been flagged because they met or
14 exceeded their threshold.

15 Q. (BY MR. BOWER) So at this
16 point, threshold is already in place;
17 correct?

18 A. Yes.

19 Q. And those are thresholds in
20 Reddwerks; correct?

21 A. Yes.

22 Q. And this is before the
23 Reddwerks enhancements have kicked in; is
24 that correct?

25 And let me strike that and be

1 more specific.

2 I'm talking -- asking about for
3 6045. Do you know whether Reddwerks
4 enhancements had been implemented at 6045 as
5 of December 3rd of 2014?

6 A. I don't know.

7 Q. And is there anything on this
8 document that would shed light on the timing
9 of that?

10 A. No.

11 Q. What is your understanding as
12 to what is reflected in this document? And
13 by the document, I mean the attachment to the
14 email.

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: So these are the
17 different fields in sections that
18 would have been included in Archer.

19 Q. (BY MR. BOWER) Okay. And
20 did -- let's just talk about a couple
21 examples.

22 Archer had an order quantity;
23 right?

24 A. Yes.

25 Q. And that order quantity was by

1 item number; is that correct?

2 A. Yes.

3 Q. Archer also had the threshold.

4 Do you see that?

5 A. Yes.

6 Q. Okay. So you have the general
7 info at the top; right?

8 A. Yes.

9 Q. With the information you
10 mentioned earlier, for example, the DEA
11 number. Right?

12 A. Yes.

13 Q. And then, down below it has
14 "Store profile review."

15 Do you see that?

16 A. Yes.

17 Q. Do you know what information
18 was going to be in Archer with respect to
19 that information?

20 MS. FUMERTON: Objection, form.

21 Q. (BY MR. BOWER) Well, strike
22 that.

23 Do you know what information
24 was contemplated to be part of a store
25 profile review at this time period?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: So it would have
3 been the -- things like were refusals
4 to fill being done.

5 That's the main thing that pops
6 into my head, but anything revolving
7 around the store, including things
8 like refusal to fill.

9 Q. (BY MR. BOWER) And how would,
10 for example, that refusal-to-fill information
11 get populated into Archer?

12 MS. FUMERTON: Objection, form.

13 THE WITNESS: So depending on
14 the timeframe, things --

15 Q. (BY MR. BOWER) Well, I'm
16 asking now about this time period. So this
17 is in end of 2014.

18 What was the plan for
19 populating the refusal-to-fill information
20 into Archer?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: Sorry, I'm
23 working on the timeline. So
24 refusal-to-fill information was moved
25 into Archer in July of 2015. Archer

1 started being used as the system to
2 track refusal to fills.

3 Q. (BY MR. BOWER) Okay. And how
4 was that information entered into Archer?

5 A. So the refusal to fills are
6 entered by the pharmacist directly into
7 Archer.

8 Q. Okay.

9 A. So at the time of this
10 document, refusal to fills weren't in Archer.
11 And I don't recall if that was already on the
12 road map to be done, so I'm not positive if
13 that's what was meant by the store profile
14 review at this time. I know that's what
15 ended up going into the store profile notes.

16 Q. Okay. Let's look at one under
17 the store profile review. It has McKesson
18 data. Do you see that?

19 A. Yes.

20 Q. Do you know whether that ended
21 up being included in Archer?

22 A. Yes.

23 Q. It did?

24 A. Well, the data itself wouldn't
25 have been included into Archer. The fact

1 that the data was reviewed would have been
2 put into Archer. And if there was anything
3 that affected the order of interest.

4 Q. Can you explain what you mean
5 by that?

6 A. So we wouldn't have pulled data
7 from McKesson and then put it into the Archer
8 record that we were looking at.

9 We would have pulled McKesson
10 data, reviewed the data to see if there was
11 another drug, the same drug that we were
12 ordering on the McKesson report, and then
13 that would be entered -- the fact that that
14 was done, and whether there was anything of
15 interest in doing that would have been
16 entered into that field.

17 Q. So that field simply would have
18 held information as to whether McKesson data
19 was reviewed? Is that correct?

20 MS. FUMERTON: Objection, form.

21 Q. (BY MR. BOWER) In other words,
22 what did the McKesson data field look like
23 when Archer was rolled out?

24 MS. FUMERTON: Objection, form.

25 Go ahead.

1 THE WITNESS: It's a text field
2 that has whatever is entered in. So,
3 you know, McKesson data reviewed,
4 nothing of substance found. Or
5 McKesson data reviewed and they only
6 ordered one bottle from McKesson. Or
7 nothing was ordered. That kind of
8 thing.

9 Q. (BY MR. BOWER) Were certain of
10 the fields reflected here required to be
11 filled out in Archer for an order of
12 interest?

13 A. At which level?

14 Q. At any level.

15 A. So there were --

16 MS. FUMERTON: Objection, form.
17 Go ahead.

18 THE WITNESS: There are --
19 there were required fields, and they
20 were different depending on who was
21 doing the review.

22 MR. BOWER: Okay.

23 Q. (BY MR. BOWER) And did those
24 required fields change over time?

25 A. Yes.

1 Q. Do you recall who had the
2 discretion or ability to change those
3 required fields?

4 MS. FUMERTON: Objection, form.

5 MR. BOWER: I'll strike that.

6 I'll break that down.

7 Q. (BY MR. BOWER) Do you recall
8 who had the ability to change those required
9 fields within Archer?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: I would have been
12 the only person that could make
13 changes to the actual form.

14 Q. (BY MR. BOWER) And who were
15 the folks who would have been tasked with the
16 ability to decide that changes needed to be
17 made?

18 MS. FUMERTON: Objection, form.

19 MR. BOWER: I'll strike that.

20 Q. (BY MR. BOWER) Who would have
21 decided to make the changes?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: So there were --
24 it could have been possible that as I
25 was reviewing data, I could go to

1 Miranda and say, "Hey, we're having
2 problems with this field not being
3 filled out correctly. Is it okay if I
4 make it a required field to force --
5 make sure that it's filled out?"

6 And so in that case, the
7 approval would come from her.

8 She could also make the same --
9 the same ask of, "Hey, you know, I
10 think this should be required."

11 There were times that the
12 logistic team asked for something to
13 be required because she kept
14 forgetting to fill in a certain field.
15 So it could come from any level.

16 Q. (BY MR. BOWER) And do you
17 recall making changes to the required fields
18 in Archer?

19 A. Yes.

20 Q. And what changes do you recall
21 making?

22 A. So lots of changes were made
23 when we went to the Buzzeeo system. The
24 Archer fields looked completely different
25 than what they looked like in Reddwerks.

1 Q. So let's separate that time
2 out. Let's say before the Buzzeo system was
3 implemented, what changes do you recall
4 making in the Archer fields?

5 A. So, for instance, one thing I
6 remember is this title "interview store
7 associate." At some point I don't remember
8 exactly when we changed the header of that to
9 something about an increase. Like why -- why
10 have you seen an increase in this. Because
11 if there's an alert, there would have been
12 some kind of increase, at least in that
13 specific order, to help drive the
14 conversations that the logistics people were
15 having with the store folks.

16 So I remember changing that.

17 And, like, I don't remember
18 this, "verify info from store field." I
19 don't know that that ended up in the system
20 at all.

21 So things like that. Like, I
22 don't -- I mean, there were lots of changes
23 made along the way. Some of them larger and
24 some just ...

25 Q. Do you recall any changes made

1 with respect to whether a field was required
2 or not?

3 MS. FUMERTON: Objection, form.
4 Asked and answered.

5 THE WITNESS: I don't remember
6 exactly which fields were required
7 initially and then which ones we
8 changed to be required later.

9 Q. (BY MR. BOWER) When a change
10 was to be made, how would you go about doing
11 so? Would it be, for example, a call? An
12 email? Meeting?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: So clarify the
15 question. Who -- who would we tell or
16 how would I make the change?

17 Q. (BY MR. BOWER) Sure. Let's
18 say -- okay, I'll rephrase.

19 Let's say, for example, Miranda
20 comes to you and says, "We need to make a
21 change in one of the Archer fields."

22 What would you do?

23 A. I would go into the back end of
24 Archer and make the change.

25 Q. So you could make the change

1 yourself; is that correct?

2 A. Yes.

3 Q. That's what I was trying to get
4 at, whether you had to ask Archer to make the
5 change or whether you could make the change
6 yourself.

7 A. I'm an admin.

8 Q. You're an admin for the Archer
9 database; correct?

10 A. Yes.

11 Q. Do you remember whether the
12 McKesson data was a required field at any
13 point?

14 MS. FUMERTON: Objection, form.

15 THE WITNESS: Not during the
16 Reddwerks portion.

17 Q. (BY MR. BOWER) Just so your
18 testimony is clear, is it your statement that
19 the McKesson data field was not a required
20 field during the Reddwerks portion?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: Yes.

23 Q. (BY MR. BOWER) And then just
24 going back to kind of this document for a few
25 more questions.

1 MS. FUMERTON: And we're still
2 on Exhibit 7?

3 MR. BOWER: Yes.

4 Q. (BY MR. BOWER) So we have
5 three kind of -- well, there's multiple kind
6 of sections here. We have "General info";
7 right? "Order details," "Evaluation," and
8 then "Personnel," "Logistics resolution," and
9 then "Practice compliance" elevation.

10 "Evaluation." Sorry.

11 Do you see that?

12 A. Yes.

13 Q. Okay. During this time, was
14 there a discussion as to when a practice
15 compliance evaluation would be required in
16 Archer?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: At this time I
19 would not have been involved in what
20 those conversations were.

21 Q. (BY MR. BOWER) Well, do you
22 understand you were involved in kind of
23 developing the workflow; right?

24 A. Yes.

25 Q. So what was contemplated to

1 happen here? Was it practice compliance
2 evaluation would be required to review all
3 orders of interest? Or something less than
4 all orders of interest?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: So what I knew at
7 the time was the logistics resolution.
8 The logistics team would select
9 appropriate order or send a practice
10 compliance for additional evaluation.
11 At that time, the practice compliance
12 evaluation portion was done.

13 Q. (BY MR. BOWER) Do you recall
14 whether in fact that's what happened when
15 Archer was rolled out?

16 A. Yes.

17 Q. So, in other words, practice
18 compliance would only get an order of
19 interest if the logistics team selected that
20 order to be sent to them; is that correct?

21 A. Yes.

22 Q. And do you recall approximately
23 how far or how long after this Archer began
24 to be used for suspicious order monitoring?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: Early 2015.

2 Q. (BY MR. BOWER) So fairly soon
3 after this, Archer begins to be used;
4 correct?

5 A. Yes.

6 Q. Between kind of this time
7 period and this work reflected here, what
8 else did you do prior to Archer being used
9 for suspicious order monitoring for
10 controlled II substances?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: So I implemented
13 this into Archer.

14 Q. (BY MR. BOWER) Okay. Let's
15 just go back, then, for a second.

16 So go back to the order details
17 there.

18 A. Mm-hmm.

19 Q. It has a threshold bullet
20 point. Do you see that?

21 A. Mm-hmm. (Witness nods.)

22 Q. Was Archer populated with
23 thresholds when it was rolled out initially?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: No. Each order

1 of interest, this data would be
2 populated.

3 Q. (BY MR. BOWER) Okay. So, in
4 other words, for each order of interest that
5 was flagged in Archer, the threshold data
6 would be populated?

7 MS. FUMERTON: Objection, form,
8 lack of foundation.

9 THE WITNESS: The orders were
10 flagged in Reddwerks, and then
11 information was entered into Archer.

12 Q. (BY MR. BOWER) How does the
13 information get from Reddwerks to Archer for
14 orders of interest?

15 A. So most often the -- a member
16 of the logistics team would pull up the alert
17 in Reddwerks and then transpose, type in
18 whatever information that was in Reddwerks
19 into Archer and then work the rest of the
20 incident.

21 Q. So when Archer was rolled out,
22 the folks in the logistics side had to
23 manually type in all this information into
24 Archer for each order of interest? Is that
25 correct?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: Not all of it.

3 Like, they would select the store, and
4 then the store would populate -- like,
5 the personnel of the store --
6 alignment information. They would
7 select the appropriate DC, which would
8 populate the DC alignment information.
9 Some of the dates would enter as soon
10 as they opened it, like the date here
11 would have been the date received.
12 And as soon as they created the
13 record, that would populate.

14 Everything else, they would
15 select or enter in.

16 Q. (BY MR. BOWER) So, for example,
17 when the drug was entered, the threshold
18 field wouldn't automatically populate in
19 Archer; is that correct?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: It would not
22 automatically populate.

23 Q. (BY MR. BOWER) So, in other
24 words, the folks from the practice compliance
25 would have to manually enter that threshold

1 information; is that correct?

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: No, the folks
4 from the logistics team entered it.

5 Q. (BY MR. BOWER) Sorry, let me
6 ask it the right way.

7 When Archer was rolled out, and
8 the logistics team was notified on an order
9 of interest, would they have to manually
10 enter the threshold information for that
11 specific drug?

12 A. Yes.

13 Q. And where would they obtain
14 that threshold information that was needed to
15 be entered?

16 A. From Reddwerks.

17 Q. What specifically would folks
18 on the logistics team receive from Reddwerks
19 when an order of interest was flagged?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: So Reddwerks had
22 the drug name, the item, the quantity
23 of that order, the threshold, and then
24 the weekly quantity.

25 Q. (BY MR. BOWER) And again, I

1 want to make sure we're abundantly clear on
2 this. When you say "that order," you mean
3 that item; is that correct?

4 MS. FUMERTON: Objection, form.

5 Q. (BY MR. BOWER) Well, can you
6 explain what you mean by "that order? "

7 I'll strike that question.

8 And in your answer, you
9 referenced that the Reddwerks would provide
10 the logistics team with the drug name, the
11 item, the quantity of that order. What do
12 you mean by "the quantity of that order"?

13 A. The quantity ordered for that
14 item.

15 Q. So, in other words, the folks
16 on the logistics team did not receive the
17 quantity ordered for any other item; is that
18 correct?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: They received the
21 quantity of the flagged order.

22 MR. BOWER: Right.

23 THE WITNESS: So whichever
24 portion of the order flagged, they
25 would receive that quantity.

1 Q. (BY MR. BOWER) So, for
2 example, if an order for Oxy 5 milligrams was
3 flagged, the folks on the logistics teams
4 wouldn't see the amount ordered for Oxy of 10
5 milligrams if that order was also not
6 flagged; is that correct?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: Correct.

9 Q. (BY MR. BOWER) And further, if
10 an order for Oxy 5 milligrams was flagged,
11 the folks on the logistics teams also
12 wouldn't see other orders of Oxy 5s that may
13 be manufactured by other manufacturers unless
14 that item was also flagged. Isn't that
15 correct?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: Yes.

18 Q. (BY MR. BOWER) And that's true
19 because those two items have different NDC
20 numbers; correct?

21 A. Yes.

22 Q. And different items numbers
23 within Walmart; correct?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: Yes.

1 Q. (BY MR. BOWER) And so when
2 this Archer is rolled out and the folks at
3 the logistics team are receiving orders of
4 interest, how logistically did they receive
5 them? Is it an email? Is it a phone call?
6 How are they receiving orders of interest?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: So Reddwerks is a
9 system platform that they would log
10 into. And there was a queue that they
11 would work from.

12 Q. (BY MR. BOWER) During this
13 time period when Archer is rolled out, do you
14 know approximately how many orders of
15 interest are being flagged for Schedule II
16 narcotics on a daily basis?

17 A. I do not.

18 Q. At any point do you know
19 approximately how many orders are being
20 flagged at Reddwerks for Schedule IIs on a
21 daily basis?

22 A. I do not.

23 MS. FUMERTON: Zach, it's noon.
24 So I don't know when a good time would
25 be for lunch or if the witness or the

1 court reporter are okay to keep going.
2 Or if it's a good time to take a
3 break.

4 MR. BOWER: How long have we
5 been on?

6 MS. FUMERTON: A little bit
7 over an hour.

8 THE VIDEOGRAPHER: 35 minutes
9 since we took that little quick break.

10 MR. BOWER: We can take a break
11 now. Do you want to take a break for
12 lunch?

13 THE WITNESS: Sure.

14 MR. BOWER: Let's do that.

15 THE VIDEOGRAPHER: It's 12:01.
16 We are off the video record.

17 (Recess taken, 12:01 p.m. to
18 12:34 p.m.)

19 THE VIDEOGRAPHER: 12:34. We
20 are on the video record.

21 Q. (BY MR. BOWER) Okay. We're
22 back on the record after lunch. You
23 understand you're still under oath?

24 A. Yes.

25 Q. A couple of times today we've

1 referred to "Reddwerks enhancements."

2 Do you recall that term?

3 A. Yes.

4 Q. Okay. What does that mean to
5 you?

6 A. The Reddwerks system was
7 changed and updated.

8 Q. And how was it changed?

9 A. The individual calculated
10 thresholds were included.

11 Q. Can you explain what you mean
12 by "individual calculated thresholds"?

13 A. So that the thresholds were
14 calculated for an individual store and item
15 combination.

16 Q. What was your involvement in
17 the enhancements to Reddwerks, if any?

18 MS. FUMERTON: Objection, form.

19 THE WITNESS: The actual
20 enhancements to Reddwerks, nothing.

21 Q. (BY MR. BOWER) Did you do any
22 type of analysis prior to the Reddwerks
23 enhancements that related to those
24 enhancements?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: Analysis of
2 which -- of what data? Reddwerks
3 data?

4 Q. (BY MR. BOWER) Of any data
5 related to the enhancements.

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: So I pulled data
8 and calculated the thresholds using
9 shipment data, that were then input
10 into the Reddwerks platform.

11 Q. (BY MR. BOWER) Did you do any
12 analysis in connection with -- I'm going to
13 strike that.

14 And what specifically did you
15 do with respect to calculating the thresholds
16 using shipment data?

17 How did you do that?

18 MS. FUMERTON: Objection, form.

19 THE WITNESS: So I pulled the
20 data out of Teradata, the shipment
21 data. Input that into an Access
22 database. The Access database was set
23 up to calculate the average and
24 standard deviations for those stores
25 and items.

1 And then that was exported out
2 of Access into Alteryx and then
3 manipulated manually to get to the
4 ultimate thresholds.

5 MS. FUMERTON: You just said
6 "Alteryx."

7 THE WITNESS: Did I say
8 Alteryx?

9 MS. FUMERTON: Yes. I just
10 want to make sure the record --

11 THE WITNESS: Sorry, not
12 Alteryx. Access.

13 MR. BOWER: No, your testimony
14 as you exported out of Access and into
15 Alteryx.

16 THE WITNESS: Oh, sorry, not
17 Alteryx. Reddwerks.

18 Q. (BY MR. BOWER) Okay. And then
19 you manipulated the data manually in
20 Reddwerks?

21 A. No. The --

22 Q. So let's just read back your
23 testimony and then you can clarify it. Okay?

24 Your testimony is then that --

25 "The Access database was set up to calculate

1 the standard deviations for those stores and
2 items. And then that was exported out of
3 Access into Alteryx and then manipulated
4 manually to get to the ultimate thresholds."

5 A. Okay. It was exported out of
6 Access into Excel, and then the thresholds
7 were updated manually to add them in in max
8 and to accommodate the odd sizes, so the
9 500-count bottles, liquids, things like that.
10 And then the Excel spreadsheet was imported
11 into Reddwerks.

12 Q. So prior to the Reddwerks
13 enhancements, the Reddwerks thresholds were
14 not store-specific; is that correct?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: I don't have a
17 lot of details about what the
18 thresholds were prior to the
19 enhancements that I helped with.

20 Q. (BY MR. BOWER) Okay. Is it a
21 true statement that after the enhancements,
22 the thresholds for a particular item were
23 store-specific?

24 A. Yes.

25 Q. What information did Walmart

1 use to set the store-specific thresholds?

2 MS. FUMERTON: Objection, form.

3 MR. BOWER: I'll strike that.

4 Q. (BY MR. BOWER) What information
5 are you aware of that Walmart used or
6 considered in setting the store-specific
7 thresholds?

8 MS. FUMERTON: Objection, form.

9 MR. BOWER: Sorry, I want a
10 clean record on this. Let me just ask
11 it both ways.

12 Q. (BY MR. BOWER) What
13 information are you aware of that Walmart
14 used to set the store-specific thresholds?

15 MS. FUMERTON: Objection, form.

16 MR. BOWER: What's the nature
17 of that objection?

18 MS. FUMERTON: Again, time
19 period. And --

20 MR. BOWER: Okay. Okay. I
21 appreciate that. So let me ask it
22 again and we'll clarify the time
23 period. Okay?

24 Q. (BY MR. BOWER) When the
25 advancements to Reddwerks first rolled out,

1 what information did Walmart use to set the
2 store-specific item thresholds?

3 A. Previous shipment data.

4 Q. Was there any other information
5 considered by Walmart in setting the
6 store-specific thresholds when Reddwerks was
7 initially rolled out?

8 A. I wouldn't have insight into
9 what else was considered.

10 Q. Are you aware of whether any
11 other information was considered in setting
12 the store-specific thresholds when Reddwerks
13 was -- strike that.

14 Are you aware of whether any
15 other information was considered in setting
16 the store-specific thresholds when the
17 Reddwerks enhancements were initially rolled
18 out?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: I don't know.

21 Q. (BY MR. BOWER) Are you aware
22 of any other information that was considered?
23 That's the only thing I'm trying to get at.

24 A. I don't know.

25 Q. So the question is not whether

1 you know or not know, just whether -- are you
2 aware of any other information that was
3 considered or are you not aware of any other
4 information that was considered?

5 MS. FUMERTON: Objection, form.

6 Q. (BY MR. BOWER) Let me get at
7 it a different way.

8 Is your answer you don't know
9 whether other information was considered?

10 A. Yes.

11 Q. So it may have been considered.
12 You're just not aware of it; is that correct?

13 A. I don't know.

14 Q. You don't know whether it was
15 considered or not; is that correct?

16 A. Yes.

17 Q. Okay. Sorry for that. I just
18 want to make sure the record is clear as to
19 what you do or do not know.

20 And after Reddwerks was
21 initially rolled out, did Walmart consider
22 additional information in setting the
23 store-specific item thresholds?

24 A. Yes.

25 Q. What other information did

1 Walmart consider in setting the
2 store-specific item thresholds?

3 A. Which -- the traited -- what
4 item was traited for that store.

5 Q. Can you explain what that
6 means?

7 A. Yes. Walmart gets -- there are
8 some drugs that Walmart receives more than
9 one manufacturer from. So there's more than
10 one NDC. One of those NDCs would be the
11 primary traited item for a specific store
12 based on DC alignment. So we have five DCs
13 and, for instance, a store in Arkansas would
14 be part of DC 6001. And that store would
15 receive one of the NDCs as their primary
16 traited item. So replenishment would -- that
17 item would be the one that replenishment
18 would pick to replenish. The other item
19 would be a non-traited item. So it would not
20 automatically be replenished by
21 replenishment.

22 Q. And that process you described,
23 would that apply to Schedule II products?

24 A. Yes.

25 Q. And I should have been more

1 specific in my question earlier. So let me
2 ask -- let me ask it a little bit better than
3 I did before. Well, strike that. Let me ask
4 it a different way.

5 Was there any difference in the
6 way Walmart set store-specific item
7 thresholds at any point in time between
8 Schedule II products and any other products?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: No, there was no
11 difference between Schedule II and
12 Schedule III, for instance. The
13 threshold was set the same for all
14 controlled substances.

15 Q. (BY MR. BOWER) Well, after the
16 Reddwerks enhancements, did Walmart have
17 thresholds for non-controlled substances?

18 A. Yes.

19 Q. Okay. Were those thresholds
20 calculated differently than thresholds for
21 controlled substances?

22 A. Yes.

23 Q. And what was the difference?

24 A. I'm not sure what -- I did not
25 recall what the thresholds for the

1 non-controls were at that time, or ever,
2 really. That wasn't part of my position. I
3 worked with the controlled substances, but
4 the non-controls were a part of that same
5 file that was imported.

6 Q. So what's the basis for your
7 statement that the threshold calculations for
8 store-specific items for non-controls was
9 different than the calculations that was done
10 for controls?

11 A. The non-controls were not ran
12 through the database and calculated through
13 the process that I had set up.

14 Q. Can you just describe, then,
15 that process? What do you mean by that?
16 What process did you set up?

17 MS. FUMERTON: Objection, form.

18 MR. BOWER: I'll strike that.

19 Q. (BY MR. BOWER) Your answer to
20 my last question was "The non-controls were
21 not ran through the database and calculated
22 through the process that I had set up."

23 What process had you set up?

24 A. The process of creating
25 thresholds. So importing the data into

1 Access, calculating the standard deviation
2 and adding it back and then exporting it.
3 Because we had five different DCs, I built it
4 once, and all that had to be done was change
5 the data and then the rest of it, there were
6 queries that did the rest of it. It didn't
7 have to be created every time that a
8 threshold was updated or created.

9 Q. And specifically with respect
10 to Schedule IIs, how often would the
11 thresholds be updated after the initial
12 Reddwerks enhancements?

13 A. On an ad hoc basis, as needed.

14 Q. And who -- strike that.

15 Do you know who determined
16 whether an update was needed?

17 A. It would depend on the
18 situation. When -- it could be the result of
19 a review, so a store had alerted multiple
20 times, and it was made apparent that it was a
21 new store when it was created, and so the
22 threshold was no longer applicable. Or it
23 could be that something changed bottle sizes
24 from a 500-count bottle to a 100-count
25 bottle. And so we'd have to recalculate in

1 that instance.

2 Q. And who would be the one to
3 like actually do the updated thresholds in
4 Reddwerks? Would that be you?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: So I would be the
7 one to import the new file.

8 Q. (BY MR. BOWER) Right. Thank
9 you for that proper language. I wasn't sure
10 how to ask that question.

11 So other than yourself, did
12 anyone else have the capability to import a
13 new file into Reddwerks that would update
14 thresholds for Schedule II narcotics?

15 A. So there wasn't a different
16 process for Schedule II compared to others.
17 Miranda was the other person that would
18 import as needed.

19 Q. Did Miranda import updated
20 thresholds after the Reddwerks enhancements?

21 A. Only if I wasn't available.

22 Q. Can you just walk us through
23 what that process is like? How do you
24 actually update a threshold?

25 And maybe -- I have a

1 document -- maybe it helps if I give you a
2 document, so ...

3 A. Is there a question how you
4 update the threshold in Reddwerks or how the
5 spreadsheet is updated?

6 Q. Well, both. I wanted to walk
7 through the whole process.

8 A. Okay.

9 MS. FUMERTON: He's going to
10 show you a document.

11 MR. BOWER: Yeah. Let me just
12 show you -- if I could find it.

13 So this may be it.

14 Sorry, just give me a sec. I'm
15 going to combine these and then I'll
16 give it to you.

17 (Discussion off the record.)

18 (Walmart-Reed Deposition
19 Exhibit 8, was marked for
20 identification.)

21 MS. FUMERTON: And just so I
22 know, I see you're changing things.
23 Was it just an error in how they're
24 compiled?

25 MR. BOWER: No, I had the

1 metadata also included, but I don't
2 want to include that in the exhibit.

3 MS. FUMERTON: Okay.

4 MR. BOWER: I had it in mine,
5 and then I think I just included it in
6 them.

7 MS. FUMERTON: That's fine.

8 MR. BOWER: Yeah.

9 Q. (BY MR. BOWER) Okay. You've
10 been handed what's been marked as Exhibit 8,
11 which is at least I think part of what we're
12 talking about. But that's going to be my
13 first question.

14 And it's an email from yourself
15 to Miranda, dated 12-4-2014. (sic) and the
16 attachment is included, and it's an Excel
17 spreadsheet and appears to be titled
18 "Step_2_thresholds_Calc." So just take a
19 minute to review that and then we can talk
20 about it.

21 For the record, the Bates
22 number is Walmart document ending in 29318
23 and it includes the attachment which is
24 29319.

25 And this is in Excel, so I just

1 included the first page so we can talk about
2 the columns. Okay?

3 MS. FUMERTON: Oh, okay. So
4 this is not the entire export. It's
5 just a --

6 MR. BOWER: I don't believe so.
7 But it may -- it may be.

8 MS. FUMERTON: Okay.

9 MR. BOWER: I don't want to
10 represent, though, that it is,
11 without knowing.

12 MS. FUMERTON: That's fine.
13 I am told it's likely not.

14 MR. BOWER: I didn't think it
15 was.

16 THE WITNESS: I would say no.

17 Q. (BY MR. BOWER) All right. So
18 I've asked you a few questions about the
19 steps for changing the thresholds. This
20 document that I've given you as Exhibit 8,
21 though, is dated 12-4-2014. So this is
22 before the Reddwerks enhancements; correct?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: This is when they
25 were working to get the thresholds all

1 set up to put in Reddwerks for the
2 enhancement.

3 Q. (BY MR. BOWER) So this
4 document was created as part of that work?

5 A. Yes.

6 Q. So would this document reflect
7 at least part of the process in creating the
8 store and item-specific thresholds in
9 connection with the Reddwerks enhancements?

10 A. Yes.

11 Q. And can you just -- so this
12 document is titled "Step_2 threshold_CALC."

13 Do you see that?

14 A. Yes.

15 Q. Do you know what that refers
16 to?

17 A. Yes.

18 Q. Okay. What does that refer to?

19 A. So within the Access database,
20 there were two separate queries that did the
21 math. The first one calculated the average,
22 and then the second one, which is this one,
23 did the standard deviations and then
24 converted that down to bottles.

25 Q. And that was done on a store

1 and item-specific level; is that correct?

2 A. Yes.

3 Q. So if you turn to the
4 attachment, you'll see the column all the way
5 to the right is titled "Bottle threshold";
6 correct?

7 A. Yes.

8 Q. Okay. And is that what you're
9 referring to when you say, on this one, did
10 the standard deviation and then converted
11 that down to bottles?

12 A. Yes.

13 Q. And so how was this information
14 used to calculate the store in item-specific
15 thresholds?

16 A. So this is the -- this would be
17 the step that would then be manually updated.

18 So this is the export from
19 Access into Excel that would then be updated
20 with the minimum and maximums.

21 So if you change for -- so if
22 you look at line 12, that item is Hydroxy
23 plus C-H-L-E-R-S-U-S, 4 ounces.

24 Q. Yep.

25 A. That is a liquid.

1 Q. Okay.

2 A. And so that would be treated
3 differently than a bottle of 100.

4 It wouldn't be a 50 maximum and
5 a 20 minimum.

6 Q. Okay. Were those maximum and
7 minimums that you just referenced still
8 applied after the Reddwerks enhancements?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: So with the
11 thresholds, there was still a maximum
12 threshold and a minimum. So all of
13 the thresholds fell between 20 and 50
14 when everything was first set up.

15 Q. (BY MR. BOWER) And when you
16 say "when everything was first set up," are
17 you referring to when everything was first
18 set up after the Reddwerks enhancements
19 occurred?

20 A. Yes. With the -- with the
21 Reddwerks enhancements.

22 Q. Okay. At some point did
23 those -- strike that.

24 At some point did Walmart
25 decide to stop using those 20 and 50

1 maximum/minimums?

2 A. The 20 minimum was in effect
3 the entire time that Reddwerks was used.

4 The 50 maximum, there were
5 instances where that was raised.

6 Q. Okay. So based on your
7 experience, let's talk about the minimum for
8 a moment.

9 During the time that Reddwerks
10 was used, any order that was below 20 bottles
11 would not be flagged as an order of interest;
12 is that correct?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: No, that is not
15 correct.

16 Q. (BY MR. BOWER) Okay. Can you
17 please tell us what's incorrect about my
18 statement?

19 A. So what makes things a little
20 different is there's non-traited and traited
21 items. So with non-traited items, the
22 threshold was lower. The threshold was only
23 ten bottles for a non-traited item for that
24 store.

25 And then for large bottle

1 counts, the threshold would have -- the
2 minimum threshold would have been four
3 bottles, say, for a 500-count bottle. So ...

4 Q. Thank you for that
5 clarification.

6 And is there a way to determine
7 in Reddwerks whether an item number is
8 traited or non-traited?

9 A. Not in Reddwerks.

10 Q. So, in other words, when
11 someone gets an alert from Reddwerks that an
12 item has been flagged as an order of
13 interest, how does that person know whether
14 the item is a traited item or a non-traited
15 item?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: So the quick way
18 to know, once we made the upgrade, to
19 making sure that non-traited items
20 were taken into account separately
21 would have been the threshold itself.
22 So a threshold of ten, unless it's a
23 larger count bottle, would have been
24 an indication that it was a
25 non-traited item. The logistics team

1 that was working on SOM were also from
2 the DCs, and they were more familiar
3 with what -- what was traited and what
4 wasn't. And there's a system that
5 they can log in to to actually see
6 what item -- if it's a traited item
7 for that store or not.

8 Q. (BY MR. BOWER) Okay. And
9 we've been talking, you and I both, about
10 these traited items. Are you -- the word
11 you're using, is it traded or T-R-A-I-T-E-D,
12 traited?

13 A. Traited.

14 Q. Thank you.

15 And then we asked some
16 questions about the 20 minimum. Now I'm
17 going to ask some questions about the
18 maximum. Okay?

19 You testified that the
20 50 maximum, there were instances where that
21 was raised. What are circumstances under
22 which the 50 maximum would be raised?

23 A. If we had a high-volume store
24 that was alerting but there were no red flags
25 and nothing of concern, then there were times

1 that we increased that threshold.

2 Q. And in connection with
3 increasing that threshold, you would review
4 dispensing patterns; isn't that correct?

5 A. Yes.

6 Q. What specifically would you
7 look for in dispensing patterns?

8 A. So we would look to be sure
9 that there wasn't an increase of that drug
10 without a corresponding, like, overall
11 business increase. So if that drug was
12 increasing but business was staying steady,
13 that would be more of a red flag.

14 Q. And what do you mean by
15 "business" in that answer?

16 A. Overall dispensing. Not just
17 controlled substances, and/or the drug in
18 question.

19 Q. And where would you look to get
20 that dispensing information?

21 MS. FUMERTON: Objection, form.

22 MR. BOWER: Strike that.

23 Q. (BY MR. BOWER) In determining
24 whether to increase threshold for an item for
25 a specific pharmacy, what source would you

1 look to to determine whether dispensing
2 information would allow for that increase?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: Teradata was the
5 source of information for any
6 dispensing-related data.

7 Q. (BY MR. BOWER) Are you
8 familiar with the database Retailing?

9 A. Yes.

10 Q. Did you ever have occasion to
11 use that database?

12 MS. FUMERTON: Objection, form.

13 THE WITNESS: I used the
14 database early on in my career in the
15 systems role, but I typically use
16 Teradata.

17 Q. (BY MR. BOWER) Before I go to
18 this next document, why don't we finish up on
19 the document I already gave you.

20 So if you'd turn back to this
21 document, you mentioned that a -- in response
22 to my question on step 2, you spoke about
23 step 1. Are there any other steps that were
24 involved in calculating the thresholds in
25 connection with the Reddwerks enhancement?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: The other step
3 would be manually updating this to --
4 the bottle threshold listed here to
5 reflect the minimum and the maximums.

6 Q. (BY MR. BOWER) And that's that
7 Excel step that you also mentioned?

8 A. Yes.

9 Q. Other than that, anything else
10 that you would do?

11 A. Not that I can recall.

12 Q. And this process, this two-step
13 calculations and then the Excel, did that
14 process change at any point after Reddwerks
15 enhancements rolled out at 6045 in connection
16 with threshold updates?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: We used the same
19 process until we no longer used
20 Reddwerks.

21 Q. (BY MR. BOWER) And I asked you
22 before whether you ever considered additional
23 information, and you mentioned that you at
24 some point began considering -- considered
25 the traited information for that store.

1 Other than that, did you consider any other
2 additional information in that
3 threshold-setting process?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: I don't know of
6 any other information that was
7 considered.

8 MR. BOWER: Okay.

9 (Walmart-Reed Deposition
10 Exhibit 9, was marked for
11 identification.)

12 Q. (BY MR. BOWER) You've been
13 handed what's been marked as Exhibit 9.

14 Please take a moment and review
15 that. It's an email from you to a bunch of
16 folks, attaching the H and W compliance
17 scorecard for November of fiscal year '15.
18 The Bates number is 27994 through 27999. And
19 just let me know when you've had a chance to
20 review that, okay?

21 A. Okay.

22 [Document review.]

23 THE WITNESS: Okay.

24 Q. (BY MR. BOWER) Now, this is
25 the email from yourself to Phyllis Harris;

1 correct?

2 A. Yes.

3 Q. And who is Ms. Harris?

4 A. She was the VP of corporate
5 compliance.

6 Q. And why are you sending this to
7 her?

8 A. We sent the compliance
9 scorecard to her every month.

10 Q. And for how long did you send
11 it to her every month?

12 A. I don't remember when it
13 started. I think sometime in 2013. And it's
14 still being done now, to the current VP.

15 Q. And who is that?

16 A. Cindy Moehring.

17 M-O-E-H-R-I-N-G.

18 Q. Are you still sending those?

19 A. I do not know.

20 Q. Who sends those today?

21 A. She's going to love this one.

22 Sreevid Hydaaswaran, S-R-E-E-V-I-D

23 H-Y-D-A-E-A-S-W-A-R-A-N, I think. Close
24 enough.

25 Q. Thank you.

1 When did you stop sending these
2 to Phyllis?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: I moved to
5 Miranda's position in July of 2015.
6 So I would have stopped either that
7 month or shortly thereafter. There
8 was some time where I was helping
9 Casey until he replaced me.

10 Q. (BY MR. BOWER) So after you
11 moved to work with Miranda, Casey replaced
12 you and would have been sending these; is
13 that correct?

14 A. Yes.

15 Q. So let's just look at the cover
16 email for a moment.

17 And then, so my first question
18 is, do you see the cc here? Is there a
19 reason, or are you familiar with the way
20 those email addresses are -- appear on here?

21 A. I have no idea why they would
22 appear like that.

23 Q. Okay. Do you know who else in
24 addition to Ms. Harris would have received
25 these scorecards?

1 A. So based on what looks to be
2 the user ID, the first one is likely
3 Jim Langman, who's no longer with the
4 company, but he was our VP of health and
5 wellness compliance. Tariq Abdullah was in
6 billing compliance. T.O. Koch is Tim Koch.
7 JM Som is Jennifer Sommer. Shelly Tustiton,
8 Diane Kazimi, Beau Sylvester, Rebeka Burgess.
9 Will Center. The only reason I know these
10 user IDs is I need them sometimes in Archer.

11 Caroline Riogi.

12 Those are the ones I recognize
13 by going through here.

14 Q. And why would you need their
15 IDs in Archer?

16 A. So the back end of Archer uses
17 user ID for -- to -- I use user ID to check
18 Access. Because I'm an admin, I would use it
19 in that way.

20 Q. So you would go in Archer and
21 look whether someone had access to the
22 database?

23 A. Yes.

24 Q. And so in your email attaching
25 the scorecard, you write, "Also attached is a

1 web link to the Tableau version of the
2 scorecard, which provides interactive and
3 detailed views for each program area."

4 Do you see that?

5 A. Yes.

6 Q. What does that mean?

7 A. So for this scorecard, there
8 wasn't any interlinking of reports. Like I
9 mentioned earlier, the Tableau can -- if you
10 click on one, it goes to another report.
11 That wasn't built into this scorecard at this
12 time. I don't know what it does now, but at
13 the time that I was creating them, it wasn't
14 dynamic.

15 You could jump to a section, so
16 there was like a menu. And if you wanted --
17 and if you'd look in the report, there's like
18 the billing compliance section. The HIPAA
19 section. If you wanted to jump to the
20 practice compliance section, instead of
21 scrolling all the way through the Tableau
22 dashboard, you could hit practice compliance
23 and it would jump to that portion of the
24 Tableau.

25 So that was the interactive

1 piece. You could just click and go where you
2 wanted to go instead of scrolling.

3 Q. So if I were to -- if you look
4 again at where you're looking at which is
5 starting on 27997; right? If I were to go
6 into this same information on Tableau, would
7 I see anything different?

8 A. No.

9 Q. Could I scroll over these
10 things and have additional information pop
11 up?

12 A. Not that I know. It would just
13 tell you the number. Like if it was one that
14 had a line, which I don't think any of these
15 do.

16 No, they're all bar graphs. It
17 would -- if you scroll over it, it would just
18 say like 168. But all the ones we have would
19 be labeled in that way as well.

20 Q. Why are you providing -- why
21 not just provide this document? Why are you
22 providing a link to the Tableau?

23 A. To allow for people to jump to
24 the section that they want to go to.

25 Q. Well, this document appears to

1 be three pages; right?

2 A. Yes.

3 Q. So are you telling me that
4 this -- if I were to receive this document
5 and click on the link -- receive your email,
6 click on the link, this is the exact same
7 thing I would see in Tableau?

8 A. Yes.

9 Q. So what's the reason for using
10 Tableau?

11 A. Because it makes it look pretty
12 like this. It's visually appealing. This
13 would be hard to get at if you used Excel.
14 Like, this format would be hard to achieve in
15 another program, like, to get, you know, each
16 graph like they are with the headers and
17 things like that. It would be much more
18 cumbersome to do in Excel than it is to do in
19 Tableau.

20 So visually it's more appealing
21 in Tableau.

22 Q. And how do you get from Excel
23 to this up in Tableau?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: How was Tableau

1 created?

2 Q. (BY MR. BOWER) Yeah, how was
3 this document that you attached to your email
4 created?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: So Tableau links
7 to data sources, and in this case
8 there's multiple data sources, some of
9 which are -- the majority of this is
10 an Excel document.

11 For this, there was a SAS. Are
12 you familiar with what SAS is?

13 Q. (BY MR. BOWER) Why don't you
14 just explain it for the record.

15 A. SAS is another analytical tool.
16 It uses a language -- I don't know what
17 language it is.

18 So it's an analytical tool that
19 you program it to do things. And so Mu Sigma
20 helped develop this SAS code that would like
21 say -- for example, with the billing data, it
22 would pull data out of Teradata, and then
23 analyze that data, look for outliers, things
24 like that, and then create a spreadsheet that
25 would then be used to create this portion of

1 the Tableau worksheet.

2 Q. What data sources does this
3 Tableau worksheet pull from?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: So there's --
6 there's multiple data sources
7 depending on -- on which section.

8 Q. (BY MR. BOWER) Okay. So let's
9 just focus on maybe a more relevant section
10 than the first page. Let's turn to the
11 second page and do -- look at "Practice
12 compliance controlled substances"?

13 A. Okay.

14 Q. Do you see that?

15 Where does this information
16 come from? For example, let's start with
17 number of investigation cases.

18 A. That information is in Archer.

19 Q. Okay. So Tableau pulls
20 information from Archer; is that correct?

21 MS. FUMERTON: Objection, form.

22 MR. BOWER: I'll strike that,
23 then.

24 Q. (BY MR. BOWER) How did Archer
25 information come to appear in this document?

1 A. The report is pulled out of
2 Archer. So the report is ran, exported into
3 Excel. SAS takes that Excel report that came
4 from Archer, runs it through the code that's
5 looking for errors, making sure that all the
6 fields that are needed for this are filled
7 out. If it's not, it kicks back an error
8 report for the analyst that's working it to
9 make sure that the data is correct and
10 accurate.

11 Once the data clears all the
12 error checks, another spreadsheet is created.
13 That is then used for Tableau.

14 Q. Is all -- that process you just
15 described, is that done manually on a monthly
16 basis?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: The reports are
19 pulled out of Archer manually on a
20 monthly basis. The code in SAS is all
21 automated.

22 Q. (BY MR. BOWER) Is there any
23 automated workflow that's connected to the
24 creation of this Tableau document?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: So the way
2 Tableau is set up, you have
3 essentially a template that's
4 connected to data sources. And so all
5 of this -- all the headers and all the
6 pretty graphs are set up. And then
7 the analyst goes in and updates the
8 references to the updated data sets.

9 So instead of pointing at
10 October's data, it's now going to
11 point at November's data.

12 Q. (BY MR. BOWER) And the analyst
13 does that manually?

14 A. At the time I did it, it was
15 manually. I went in and changed the data
16 sources to the updated data. I don't know if
17 they've changed that as -- you know, new
18 coding and new updates have been made as
19 Tableau has changed. I'm not sure.

20 Q. So let's go -- we talked about
21 investigation cases. What about this more
22 specific information, like loss in transit or
23 employee pilferage. Do you see that?

24 A. Yes.

25 Q. Is that information also pulled

1 from Archer?

2 A. Yes.

3 Q. Okay.

4 A. It would be the same report.

5 Q. Okay. And what about -- going
6 all the way over to the right, the percent of
7 split of sources investigation information.
8 Is that also pulled from Archer?

9 A. Yes. In the same report.

10 Q. Do you know what the Archer
11 cleanup refers to, kind of in the box? Under
12 it says, "Open cases, closed cases and DEA
13 106."

14 Do you see that?

15 And then that next box has -- a
16 couple sentences in, it says, "The number of
17 DEA 106s files are increased TY" -- which I
18 assume means this year -- "versus LY" --
19 which was last year -- "due to Archer
20 cleanup."

21 Do you know what that refers
22 to?

23 A. So if I remember correctly, it
24 was incidents were -- or investigations and
25 then determined that they're using it -- were

1 worked and everything was done, but the
2 record was left open instead of finishing out
3 the step to close out the record in Archer.

4 Q. A few sentences further, it
5 refers to the team, and it says, "The team is
6 also undertaking initiatives to decrease the
7 amount of losses occurring at the store level
8 (e.g., increased diversion controls)."

9 Do you see that?

10 A. Yes.

11 Q. Do you know what that refers
12 to?

13 A. I do not.

14 Q. Do you know what team it refers
15 to?

16 A. That would be practice
17 compliance, and with diversion controls, I --
18 and partnership with the global
19 investigations.

20 Q. If you could go back down to
21 the bottom of the document for a moment.

22 It says "Practice
23 compliance-board orders."

24 Do you see that?

25 A. Yes.

1 Q. Do you know what a "board
2 order" refers to?

3 A. It is an order from a pharmacy
4 board.

5 Q. What does that mean?

6 A. My understanding, which I don't
7 deal with pharmacy boards, it's some
8 communication that's been had with a pharmacy
9 board, and some action has to take place
10 because of that.

11 And based on this, it looks
12 like there's, you know, multiple different
13 reasons that we could receive a board order.

14 Q. Well, what did -- do you know
15 what, for example, "controlled substance
16 loss" refers to?

17 A. Controlled substance loss is
18 anytime that there's a loss of controlled
19 substances. So the controlled substance on
20 hand is different than once they actually
21 count the pills.

22 Q. And then what does the next one
23 over, "diversion," refer to?

24 A. So in this case, I would be
25 assuming it was Walmart diversion, which

1 would be a loss of a controlled substance by
2 an employee.

3 Q. And where is this pulling
4 information from?

5 A. Archer.

6 Q. How does diversion occurrences
7 get populated into Archer?

8 A. So in this instance, this is
9 talking about the board action that resulted
10 from diversion. So that would be an analyst
11 on a practice compliance team would have
12 entered that into Archer.

13 Q. What do you mean by "board
14 action that occurred from diversion"?

15 A. The reason for the board order
16 in this instance is diversion. So something
17 happened with diversion that led to a board
18 order.

19 Q. Would Archer have additional
20 information on those orders, for example,
21 where they occurred?

22 A. Yes. It would have the store
23 or the state that it occurred in.

24 (Walmart-Reed Deposition
25 Exhibit 10, was marked for

1 identification.)

2 Q. (BY MR. BOWER) You've been
3 handed what's been marked as Exhibit 10 to
4 today's deposition. It's just a one-page
5 document numbering 9035. It's a Walmart
6 document.

7 Just let me know when you have
8 a chance -- have had a chance to review it.
9 My first question is going to be whether this
10 refers to the Reddwerks enhancements. Okay?

11 A. Yes.

12 Q. You've reviewed --

13 A. Sorry.

14 MS. FUMERTON: Have you read
15 the document?

16 THE WITNESS: Yes. Yes.

17 MS. FUMERTON: And you're
18 answering his question?

19 I'll let you clean it up.

20 Q. (BY MR. BOWER) Have you had a
21 chance to review the document?

22 A. Yes.

23 Q. And does that conversation
24 refer to the Reddwerks enhancements at 6045?

25 A. Yes.

1 Q. Okay. Just generally speaking,
2 in what format are these communications
3 taking place?

4 A. This would be -- it would be an
5 instant message, in, I'm assuming, Jabber?

6 Q. Okay. What is Jabber?

7 A. It's a program that's used by
8 Walmart for instant messaging.

9 Q. And under what circumstances
10 would you use Jabber?

11 A. I use Jabber on a daily basis
12 to quickly communicate something. If
13 somebody's in a meeting and you can't call
14 them, you could quickly send them a Jabber,
15 and so they could kind of answer, multitask a
16 little bit more.

17 Q. And do you have a Jabber
18 application on your phone?

19 A. I do.

20 Q. Okay. Do you know whether that
21 application preserves Jabber communications?

22 A. As far as I know, yes.

23 Q. Do you know for how long it
24 preserves those communications?

25 A. I do not.

1 Q. What's the basis for your
2 statement that the communications are
3 preserved?

4 A. I've seen them on my computer.

5 Q. Okay.

6 A. And you can search for them on
7 your computer. Like, if you search for a
8 title, Jabber communications come up.

9 Q. And you would expect, since you
10 use it on a daily basis, to have hundreds of
11 communications come up for you; correct?

12 MS. FUMERTON: Objection, form.

13 MR. BOWER: Strike that.

14 Q. (BY MR. BOWER) How long have
15 you been using Jabber on a daily basis?

16 A. I'm not sure. I don't know how
17 long we've had Jabber.

18 Q. Certainly you've had it
19 since --

20 A. Since 2015 at least, yes.

21 Q. Did you, in addition to Jabber,
22 use any other type of instant messaging
23 program at Walmart to communicate?

24 A. So prior to Jabber, we had a
25 program called Link, I think was the name of

1 it.

2 And then we currently have
3 Zoom.

4 Q. Okay. When did Walmart stop
5 using Link?

6 A. I don't recall.

7 Q. Do you remember approximately?

8 A. I have no idea.

9 Q. Do you recall using Link
10 yourself?

11 A. Yes.

12 Q. Do you recall, if you refer
13 back to maybe Exhibit 1, what positions you
14 would have been in when you were using Link?

15 If that's not helpful, then
16 it's not helpful.

17 A. Yeah. I mean, it's not super
18 helpful.

19 Q. Okay.

20 A. I don't know. We change, you
21 know, and get new systems and evolve, and I
22 don't necessarily keep track of when we
23 started using something new.

24 Q. What's the basis for your
25 statement that you recall using Jabber on a

1 daily basis?

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: I work remote,
4 and so I don't have the ability to
5 just, you know, walk down the aisle
6 and talk to somebody. And so Jabber
7 is a primary mode of me keeping in
8 touch with my peers.

9 Q. (BY MR. BOWER) And how long
10 have you used it as the primary mode for
11 keeping in touch with your peers?

12 MS. FUMERTON: Objection, form.
13 Misstates testimony.

14 MR. BOWER: Well --

15 THE WITNESS: I've used it
16 since it rolled out.

17 MR. BOWER: Okay.

18 THE WITNESS: And I don't know
19 exactly when that is.

20 MR. BOWER: Okay. Thank you.

21 Q. (BY MR. BOWER) Did you ever
22 use text message to communicate with your
23 peers at work?

24 A. Not about work-related things.

25 Q. Okay. You would have used

1 Jabber for those communications; correct?

2 A. Yes.

3 Q. Well, I just want to clean up
4 this record, then, since there was an
5 objection made.

6 Your testimony was, "So Jabber
7 is a primary mode of me keeping in touch with
8 my peers."

9 And I just want to have a clean
10 record with respect to the time period that
11 you're talking about. What time period would
12 you use Jabber as the primary mode of keeping
13 in touch with your peers at Walmart?

14 MS. FUMERTON: Objection, form
15 and misstates testimony.

16 You keep switching one word in
17 there.

18 MR. BOWER: You can answer.

19 THE WITNESS: So I've used
20 instant message, which is Jabber or
21 Zoom, as a main way to keep in touch
22 with my peers, since we've had instant
23 message, which has been as long as I
24 remember working at -- working here
25 for Walmart.

1 MR. BOWER: Okay. Thank you.

2 (Walmart-Reed Deposition

3 Exhibit 11, was marked for

4 identification.)

5 Q. (BY MR. BOWER) You've been
6 handed what's been marked as Exhibit 11. An
7 email from yourself to Miranda Johnson, dated
8 8-28-2015, and the subject is "Email
9 notification of SOM eval." I just had a
10 couple of questions on this document. So
11 please let me know when you've had a chance
12 to review it.

13 MR. MILLER: Is there a Bates
14 on this document?

15 MR. BOWER: Oh, the Bates
16 number, sure.

17 It's 8688 through 8689.

18 [Document review.]

19 THE WITNESS: Okay.

20 Q. (BY MR. BOWER) Do you recall
21 this email exchange?

22 A. Yes.

23 Q. And what was this regarding?

24 A. This was the email notification
25 that would go out to the field leadership --

1 so the market directors -- regarding the fact
2 that we were holding an order and evaluating
3 it.

4 Q. And when would these emails or
5 notifications go out to the field leadership?

6 A. It would be if the order was
7 held and reviewed by practice compliance.

8 Q. So, in other words, if an order
9 is flagged as an order of interest; correct?

10 Strike that.

11 During this time period,
12 August 2015, what is the process or procedure
13 in place after an order is flagged as an
14 order of interest?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: So the --

17 MR. BOWER: I'll strike that.

18 I'll ask it a different way.

19 THE WITNESS: Okay.

20 Q. (BY MR. BOWER) During this
21 time period in August 2015, what happens to
22 an order that is flagged as an order of
23 interest?

24 A. The logistics team would
25 review, and they could clear the order at

1 their level or they would send the order to
2 practice compliance for review.

3 This email would go out if it
4 was sent to practice compliance for review.

5 Q. Okay.

6 So the field leadership is only
7 informed of an order of interest if it's not
8 cleared or approved by the logistics team; is
9 that correct?

10 A. During the Reddwerks period,
11 yes.

12 Q. Okay. Was that procedure
13 different at a different point in time?

14 A. Yes.

15 Q. And how was it different?

16 A. During the Buzzeo program,
17 stores were notified immediately that an
18 order was being held and the market
19 leadership had visibility into Archer -- in
20 Archer regarding the orders that were being
21 held.

22 Q. So it sounds like a couple of
23 changes were made in connection with Buzzeo;
24 is that correct?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: Yes. Changes
2 were made.

3 Q. (BY MR. BOWER) In connection
4 with this specific notification; right?

5 A. Yes.

6 Q. One of those is that now the
7 field leadership is notified immediately of
8 an order that's flagged as an order of
9 interest; correct?

10 A. The pharmacy leadership was
11 notified.

12 Q. And one of the other changes
13 that occurs is that market leadership was
14 also notified. Correct?

15 A. They had visibility into
16 Archer.

17 An email wasn't sent to them.
18 They could go into Archer at any one time and
19 see the orders that were pending.

20 Q. Well, at any point was market
21 leadership affirmatively notified of a pended
22 order?

23 MS. FUMERTON: Objection, form.

24 MR. BOWER: I'll strike that.

25 Q. (BY MR. BOWER) Did Walmart at

1 any point in time notify market leadership of
2 an order that had been flagged as an order of
3 interest?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: They were
6 notified when practice compliance
7 reviewed an order during the Reddwerks
8 period.

9 Q. (BY MR. BOWER) And what about
10 notification for market leadership during the
11 Buzzeo period?

12 A. During the Buzzeo period, it
13 was a pull instead of a push. So they would
14 go to look at the data instead of us pushing
15 the data to them.

16 Q. During the Reddwerks period,
17 did you do -- ever do an analysis as to the
18 percentage of orders of interest that were
19 cleared by the logistics team versus
20 escalated to the home office?

21 A. There was a weekly report that
22 I would run and provide to Miranda and the
23 logistics leadership about the number of
24 orders that were pended and the number of
25 orders we reviewed, appropriate orders, you

1 know, suspicious orders, those type of
2 metrics.

3 Q. Did the Reddwerks enhancement
4 change that procedure for reviewing of an
5 order of interest?

6 MS. FUMERTON: Objection, form.

7 MR. BOWER: I'll ask it a
8 different way.

9 Q. (BY MR. BOWER) Did the
10 Reddwerks enhancement change the process by
11 which an order of interest was reviewed by
12 Walmart?

13 A. I wasn't involved in the
14 process before, so I can't speak to the
15 differences.

16 Q. Did you ever do any type of
17 analysis to determine whether the Reddwerks
18 enhancement was an improvement over the
19 period prior to the enhancement?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: I did not.

22 Q. (BY MR. BOWER) Do you know
23 whether Walmart ever did such an analysis?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: I'm not sure.

1 Q. (BY MR. BOWER) Do you know why
2 Walmart enhanced Reddwerks?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: I do not.

5 Q. (BY MR. BOWER) Do you know who
6 might know that question?

7 Sorry, do you know -- strike
8 that.

9 Do you know who might know the
10 answer to that question?

11 A. Logistics and compliance
12 leadership.

13 Q. Do you have any -- as you sit
14 here today, any understanding as to why
15 enhancements were needed to Reddwerks?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: I don't.

18 Q. (BY MR. BOWER) As you sit here
19 today, do you have any understanding as to
20 why enhancements were made to Reddwerks?

21 A. No.

22 Q. As you sit here today, do you
23 have any understanding as to why Walmart
24 decided to use Buzzeeo?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: I don't know the
2 why.

3 Q. (BY MR. BOWER) Do you have any
4 knowledge as to the factors that went into
5 deciding to change from Reddwerks to Buzzeo?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: I know that
8 Buzzeo was a -- was a dynamic option.
9 So they looked at rolling numbers and
10 they looked at active ingredients
11 other than item-specific. But other
12 than that, I wasn't involved in the
13 decision to switch from one to the
14 other.

15 Q. (BY MR. BOWER) And who --
16 strike that.

17 Do you know who was involved in
18 that decision?

19 A. I don't know of any one person.
20 It was -- there was a council, an advisory
21 council for controlled substances at the
22 time, and I'm sure they were involved.

23 Q. When did you first become aware
24 that Walmart would be switching to Buzzeo?

25 A. I knew Buzzeo was an option in

1 the 2014 timeframe, because things like this
2 document say, an example, Buzzeeo. So there
3 was a process of vetting other vendors. And
4 I don't know when for sure I knew that Buzzeeo
5 was the plan. I know by July of 2015, there
6 was more information about Buzzeeo
7 specifically in my training documents, so ...

8 In between that time, I don't
9 know that I knew specifically that the RFP
10 process had been completed.

11 Q. When you say "I know by
12 July 2015, there was more information about
13 Buzzeeo specifically in my training
14 documents," what are you referring to?

15 A. So I remember when I received
16 my training documents, there was
17 information -- a presentation, I think, about
18 Buzzeeo. Just what they did and what it was
19 and kind of what our plan was with them.

20 Q. Did Walmart work with any third
21 parties in its decision to hire a third party
22 to assist with its SOM program?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: I have no idea.

25 Q. (BY MR. BOWER) Are you

1 familiar with a company by the name of
2 Accenture?

3 A. No.

4 Q. Let's go back to Exhibit 11 for
5 a moment, before I forget about it.

6 So I do have a couple of
7 questions on kind of the substance of the
8 email.

9 So what is -- what are you
10 writing about in your email to Miranda, when
11 you say "team"?

12 A. So this was a draft of an
13 email, so this was my first stab at an email
14 that we would use. So that's like the
15 template.

16 As you can see, it has XXX
17 bottles in store XXX.

18 Q. So this was a template for an
19 email that would go out to the field
20 leadership when an order was escalated by the
21 logistics team and not cleared; is that
22 correct?

23 MS. FUMERTON: Objection, form.

24 Misstates testimony.

25 MR. BOWER: Oh, strike that.

1 Q. (BY MR. BOWER) When would this
2 notification go out to the --

3 MR. BOWER: Well, I'll -- if it
4 misstates testimony, then I'll have to
5 go back.

6 Q. (BY MR. BOWER) To whom was
7 this notification to be sent?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: This notification
10 is a draft. It wasn't what was
11 ultimately sent, but the email, in its
12 final form, would have been sent to
13 the market leadership.

14 Q. (BY MR. BOWER) And what about
15 the field leadership?

16 Would they have received this?
17 The same correspondence?

18 A. Who are you referring to when
19 you say "field leadership"?

20 Q. I'm just using your language.
21 That was going to be my follow-up question.
22 You earlier referred to at some point field
23 leadership. So what does that mean?

24 A. So market leadership, field
25 leadership. Same thing. Sorry, I tend to

1 use them interchangeably. The market leaders
2 are in the field.

3 Q. And what specific positions are
4 you referring to?

5 A. The market directors and the
6 regional directors. There's also a
7 divisional director at a higher level, and I
8 don't recall whether they received this email
9 or not.

10 Q. And what was the reason for
11 sending it to these folks?

12 MS. FUMERTON: Objection, form.

13 MR. BOWER: Go ahead.

14 You can answer it if you
15 understand. If not, I'm happy to
16 rephrase.

17 THE WITNESS: So the email was
18 sent at this point because the order
19 was delayed. So that way they would
20 be aware if their source started
21 calling them to say, "Hey, we haven't
22 gotten an order that we placed." They
23 would know where that order was.

24 Q. (BY MR. BOWER) You're not
25 sending this to the pharmacy, are you?

1 A. No.

2 Q. So why are you informing these
3 folks that an order has been delayed? What's
4 the reason for that?

5 Why not just send to the
6 pharmacy?

7 MS. FUMERTON: Objection, form.

8 MR. BOWER: Well, that's a
9 compound question, so let me ask it
10 again.

11 Q. (BY MR. BOWER) Instead of
12 sending this to the field leadership or
13 others, why not just send it directly to the
14 pharmacies themselves?

15 A. So my understanding is
16 partially so the market leader is aware that
17 there's an investigation -- or an evaluation
18 happening.

19 Q. And why would Walmart be
20 interested or want to inform the market
21 leader that an evaluation was happening?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: They're
24 responsible for the stores, and to let
25 them -- the pharmacies, and just to

1 let them know, for one, we could reach
2 out to the market director for
3 additional information. So it's kind
4 of a heads-up that, "Hey, we might be
5 calling you."

6 And sometimes they would reach
7 out to us directly to give us
8 additional information. But part of
9 this is we'll be reaching out to the
10 market director for more information.

11 Q. (BY MR. BOWER) And what
12 information would you be seeking to get from
13 the market director?

14 A. So if it was -- if it was
15 needed, it would be verifying what the
16 pharmacist said, making sure that they agree
17 with what the pharmacist said.

18 Finding out if this store
19 differs any from the other stores in their
20 market. And if there was any special
21 circumstances that they knew of that made
22 this particular store in question different
23 than its peers.

24 Q. Who would be the person to
25 contact the market director?

1 A. Most of the time it was me.

2 Later in the program, I was out
3 for a while and we had a temporary analyst
4 there filling in for me. And he would do it
5 while I was out.

6 And then later, we had analysts
7 that would help as well.

8 Q. And for what time period did
9 you have this responsibility?

10 A. 2015, after I was in role, to
11 2017, when we stopped using Reddwerks.

12 Q. And approximately how much of
13 your time was spent in contacting market
14 directors?

15 A. I'm not sure that I could
16 answer that, because we didn't contact market
17 directors for every order that we reviewed.
18 And I would contact market directors for
19 other things outside of SOM, so that's kind
20 of a hard question to answer.

21 Q. Okay. And I appreciate that
22 clarification.

23 So I'm just trying to
24 understand kind of how the process worked.

25 So under what circumstances

1 would you contact a market director in
2 connection with your SOM applications?

3 A. If there was any question about
4 the data that just wasn't clear that we
5 thought maybe the market director could have
6 some additional insight into, if there was
7 anything that the pharmacist said to the
8 logistics team that wasn't clear that we
9 wanted clarification from, those type things
10 would involve a market director.

11 Q. And how would you know, for
12 example, if there was anything that the
13 pharmacist said to the logistics team that
14 wasn't clear?

15 A. That information was -- their
16 notes were documented in Archer.

17 Q. So you would review those notes
18 and then determine whether you needed to
19 contact the market director; is that correct?

20 A. I would review the entire
21 Archer record, their notes, the data that was
22 entered in Archer as far as the order goes.
23 I would pull the data, the dispensing data we
24 talked about earlier, and review all of that
25 and then determine whether I needed to talk

1 to the market director.

2 Q. And did you have, during this
3 time period, the authority to approve an
4 order that had been flagged as an order of
5 interest for shipment?

6 A. No.

7 Q. What would you do with the
8 information that you learned from the market
9 director when you spoke with them?

10 A. There was a field in Archer to
11 enter in my notes.

12 Q. And then what would happen with
13 the order after you spoke with the market
14 director?

15 A. I would document any notes that
16 I needed to in Archer. There was a field for
17 additional evaluation notes. And in the
18 beginning of the program, I would let Miranda
19 know that it was ready for her review. She
20 would ask me of any questions, and then she
21 and Chad Ducote would review the alert.

22 Q. In the beginning of the
23 program, you know, August-September 2015, do
24 you know approximately how many orders for
25 Schedule II narcotics were being flagged on a

1 daily basis by Reddwerks?

2 A. I do not.

3 Q. Did you ever do that analysis?

4 MS. FUMERTON: Objection, form.

5 Asked and answered.

6 THE WITNESS: I don't know.

7 Q. (BY MR. BOWER) Do you recall
8 ever doing that analysis?

9 A. I don't recall.

10 Q. I'm just trying to nail down
11 the procedure.

12 How would you know whether an
13 order was waiting for you to contact the
14 market director before it was escalated to
15 Miranda?

16 MS. FUMERTON: Objection, form.

17 MR. BOWER: I'll strike that.

18 Q. (BY MR. BOWER) How would you
19 know when to contact the market director
20 about an order that was flagged as an order
21 of interest?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: So logistics
24 would review an order. They would
25 market it as send to practice

1 compliance for additional evaluation.
2 Archer sends an email to our team, at
3 the time Miranda and I. That would be
4 the start of my investigation.

5 I would review everything, pull
6 data, make a determination whether to
7 call a market director, and then
8 prepare, make sure the Archer record
9 was updated with all my information,
10 and then Miranda would review.

11 Q. (BY MR. BOWER) So during this
12 initial time period, was there anyone else
13 besides yourself that would review orders
14 that had been escalated by the logistics
15 team?

16 MS. FUMERTON: Objection, form.

17 MR. BOWER: I'll strike that.

18 I want to ask a better question.

19 Q. (BY MR. BOWER) So during this
20 initial time period when the Reddwerks
21 enhancements had been rolled out and you were
22 now involved in the SOM program, okay? I'm
23 going to focus you there.

24 During that time period, was
25 there anyone else besides yourself and

1 Miranda that was involved in reviewing an
2 order of interest that had not been cleared
3 by the logistics team?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: No. The team was
6 just Miranda and I.

7 Q. (BY MR. BOWER) So during this
8 time period, every order of interest that was
9 not cleared by the logistics team would have
10 had to have been either cleared or otherwise
11 addressed by either yourself and Miranda; is
12 that correct?

13 A. So any order that wasn't
14 approved at logistics level would be sent to
15 practice compliance. I would do the initial
16 evaluation, then Miranda would circle back
17 with logistics and review with him before a
18 decision was made.

19 Q. And who is the "him" you were
20 referring to?

21 A. Chad Ducote at the time.

22 Q. And based on your experience, I
23 mean, how -- how many orders were you
24 receiving during August-September time period
25 on a daily basis?

1 A. I don't remember.

2 Q. Do you remember approximately
3 how many?

4 A. I do not.

5 Q. So your job was to review
6 everything; right?

7 MS. FUMERTON: Objection, form.
8 Misstates the testimony.

9 THE WITNESS: My job was to
10 review the incidents that had been
11 sent on to practice compliance.

12 Q. (BY MR. BOWER) And for those
13 instances, I think your words were I would
14 review all the data -- review everything;
15 right?

16 A. Review all the data that we
17 talked about earlier. Those data points that
18 we reviewed, I had a spreadsheet that -- that
19 would be populated.

20 Q. Okay. So you're referring now
21 to that prescriber data; correct?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: To the
24 prescribing data or dispensing data.

25 MR. BOWER: Sorry, dispensing

1 data.

2 THE WITNESS: Yes, yes.

3 Q. (BY MR. BOWER) Just so the
4 record is clear, you're referring now, when
5 you say in your answer, "Those data points
6 that we reviewed, I had a spreadsheet that
7 would be populated," that spreadsheet you're
8 referring to would have dispensing data;
9 correct?

10 A. Yes.

11 Q. And you would review that in
12 connection with your duties and
13 responsibilities of reviewing orders of
14 interest; correct?

15 A. Yes.

16 Q. And would you make a
17 recommendation to Miranda as to what should
18 happen to an order of interest?

19 A. Early on, no.

20 Q. How would Miranda know what
21 your review had uncovered? In connection
22 with an order of interest.

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: There was a field
25 in Archer for my notes. There was an

1 additional evaluation field, and I put
2 any notes that were applicable in that
3 field.

4 Q. (BY MR. BOWER) Okay. And when
5 I asked you, "Would you make a recommendation
6 to Miranda as to what should happen to an
7 order of interest?" You said, "Early on,
8 no." At some point did that change?

9 A. So in 2017, I started
10 presenting the information to Miranda. And
11 then it was -- Chad had left, and Debbie --
12 she's in logistics. I cannot think --

13 Q. Debbie Hodges?

14 A. Yes. Was the logistics
15 representative. And I would present the
16 information to them, and at that time, I
17 would give a recommendation on, "Hey, I think
18 this is suspicious," or this -- "This seems
19 like it's okay."

20 Q. During this time period -- and
21 let's talk about at least August-September
22 2015, and then you tell me if it changed.
23 But at least in August-September of 2015,
24 what were the options that you and Miranda
25 had for an order of interest that had not

1 been cleared by the logistics team?

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: During the early
4 timeframe, that August-September
5 timeframe, if I recall correctly, our
6 only options were either appropriate
7 or suspicious.

8 Q. (BY MR. BOWER) And what would
9 happen if an order was appropriate?

10 A. The order would be shipped.

11 Q. And how would you notify the DC
12 that the order was ready to be shipped?

13 A. We would change the Archer
14 record to the resolution of appropriate
15 order. That would trigger an email to go
16 back to the logistics team. They would then
17 go into Reddwerks and clear the order.

18 Q. And just so we're clear, the
19 logistics team that we've been talking about
20 today, those folks are located at the DCs;
21 right?

22 A. No.

23 Q. Okay. Where are they located?

24 A. Well, at the time they were
25 located in the home office. Like, I don't

1 know that that team exists today in the form
2 that it was, but at the time, they were in
3 the Walmart home office.

4 Q. Okay. Well, let's go back
5 to -- so at that time in 2015, were folks at
6 the DC reviewing orders of interest?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: I'm not sure what
9 level of involvement the folks at the
10 DC had.

11 Q. (BY MR. BOWER) And do you know
12 whether they were involved in reviewing an
13 order of interest in late 2015?

14 MS. FUMERTON: Objection, form.

15 THE WITNESS: I do not know.

16 MR. BOWER: And let me ask a
17 complete question, because I think
18 that was a good objection to make.
19 The question was poor.

20 Q. (BY MR. BOWER) In late 2015,
21 do you know whether folks at DC 6045 --
22 strike that.

23 In late 2015, do you know
24 whether anyone at DC 6045 was involved in
25 reviewing orders of interest that had been

1 flagged in Reddwerks?

2 A. I don't know. I'm not familiar
3 enough with the how. I know how the process
4 works at the home office side. I'm not sure
5 how it works on the DC side.

6 Q. Okay.

7 MR. BOWER: Do you want to take
8 a break now or do you want to --

9 THE WITNESS: If this is a
10 logical stopping point, that's fine.

11 MR. BOWER: I think it's a
12 logical -- I'm not sure how long --

13 We can go off.

14 THE VIDEOGRAPHER: 1:57. We
15 are off the video record.

16 (Recess taken, 1:57 p.m. to
17 2:15 p.m.)

18 THE VIDEOGRAPHER: 2:15. We
19 are on video record.

20 Q. (BY MR. BOWER) All right.

21 We're back on the record. I'm handing you
22 what's been marked as Exhibit 12. Just take
23 a moment to review the document. And I'm
24 just trying to -- as you review it, I'm just
25 trying to understand whether this document

1 would have been the threshold file in
2 connection with the enhanced Reddwerks when
3 it was rolled out in 2015.

4 (Walmart-Reed Deposition
5 Exhibit 12, was marked for
6 identification.)

7 MS. FUMERTON: And just for the
8 record, again, this is an excerpt to
9 the larger file.

10 MR. BOWER: Yes. I believe
11 this one was very large, so ...

12 MR. MILLER: Is there a Bates
13 number for this document?

14 MR. BOWER: Yep. It's 53351,
15 and then the attachment is 53352.

16 THE WITNESS: Okay.

17 Q. (BY MR. BOWER) Okay. Do you
18 know whether this is the initial threshold
19 for the Reddwerks enhancements?

20 A. For 6045?

21 Q. This is 45, yes, thank you.

22 A. It looks that way, yes.

23 Q. And then I just have a couple
24 of questions. I think I got all the columns,
25 though I'm not sure, but let me just ask

1 about the ones we do have here.

2 What does, if you know, "Ship
3 to store number" mean?

4 Do you see the fifth column
5 over from the right?

6 A. That's the store number.

7 Q. Okay. That's the ship -- got
8 it.

9 Would you expect, if this had
10 been in connection with the Reddwerks
11 rollout, to have the bottle thresholds be the
12 same for all of these stores?

13 A. Potentially, considering it's
14 an excerpt, we're not seeing all of the data.

15 Q. It could be that these are ten
16 because they were the non-traited products?

17 A. Based on the pack size, this
18 WHPK quantity, that's the pack size.

19 And then what the dosage
20 threshold, or the dosage unit threshold, no,
21 because it's 5,000 dosage units, which
22 would -- if it was 100-count bottle would be
23 50 bottles. But since this is a 500, it's
24 ten. It's likely because it's sorted. It's
25 the way it's sorted.

1 Q. Okay. I appreciate that.

2 That's very helpful.

3 Did the thresholds that were
4 provided -- or uploaded into Reddwerks have
5 the thresholds for the non-titrated [sic]
6 item numbers in them?

7 A. Non-traited.

8 Q. Non-traited, right.

9 A. Yes.

10 Q. Okay. And then, just going
11 back to your cover email there, was that the
12 email address at Reddwerks? Who was that
13 person's name?

14 Do you know?

15 A. I have no idea.

16 Q. Okay. Other than sending
17 Reddwerks a threshold file, was there
18 anything else that you needed to do to update
19 thresholds for 6045 in Reddwerks?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: So it looks like
22 for this first one that was sent, I
23 sent an email.

24 This was not the typical way
25 going forward that we updated

1 thresholds.

2 I don't know why -- I don't
3 recall why an email was sent this
4 time, but later I would have imported
5 them directly into Reddwerks.

6 There was a page on the website
7 that we used that was for SOM import.
8 And so you would go there and select
9 the file and it would validate and
10 then it would impart into the
11 Reddwerks system.

12 Q. (BY MR. BOWER) And did you
13 save -- after you imported those files, did
14 you save them anywhere in the Walmart system?

15 A. Yes. So before they were
16 imported, they were saved on our shared
17 drive. And then that's where I pulled it
18 from to import it.

19 Q. And who would have been the
20 person at Walmart to save it on the shared
21 drive?

22 A. Me.

23 Q. Was it Walmart's policies and
24 procedures to save all of those files on the
25 shared drive?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: So all of --

3 anytime an update was made, that

4 version was saved as well.

5 Q. (BY MR. BOWER) And your answer
6 also helped me, because I was looking at some
7 other updates that didn't have cover emails.
8 So that wouldn't be unusual in your
9 experience; is that correct?

10 A. That would be the norm.

11 Q. Okay.

12 So other than looking to the
13 files saved on the shared drive, would there
14 be any other way of determining whether
15 threshold updates were made?

16 A. So this shared drive would have
17 the different versions of the threshold file,
18 and then if the -- if a threshold was updated
19 because of a review, Archer would indicate
20 updated threshold in the record.

21 Q. And can you just explain what
22 you mean by "if a threshold was updated
23 because of a review"?

24 A. So if a store item continued to
25 alert, and we -- we determined that it was

1 alerting because it was a new store, when the
2 thresholds were initially developed, and so
3 the initial threshold that developed wasn't
4 accurate now, we would -- and by "we," I mean
5 myself -- would pull the data and then update
6 the threshold accordingly.

7 Q. And would there ever -- strike
8 that.

9 Was there ever a circumstance
10 where the threshold was updated that wasn't a
11 new store?

12 A. Yes.

13 Q. And under what circumstances
14 would that occur?

15 A. It could occur if it was just a
16 high-volume store that we'd reviewed multiple
17 times and determined that there were no red
18 flags, nothing of concern. They were just
19 higher volume than the 50-set limit.

20 Q. And how would you become
21 comfortable yourself that a high-volume
22 store's orders were not suspicious?

23 A. Reviewing the order and the
24 dispensing data, and all the other relevant
25 information, refusal-to-fill information,

1 things like that.

2 Q. Well, other than the order
3 itself, and that -- by "order," you mean
4 order -- that specific item order; correct?

5 A. Yes.

6 Q. And the dispensing data, what
7 else would you look at to get comfort that a
8 high-volume store's orders were not
9 suspicious?

10 A. So the dispensing data would
11 say a lot. There's a lot covered in
12 dispensing data. But the store profile also
13 has a lot of information. Mainly refusal to
14 fills. The refusal to fills are a good
15 indicator that the pharmacists are doing
16 their due diligence when it comes to
17 prescriptions. Whether there's been any
18 other alerts for other drugs that were
19 suspicious, that would come into effect.

20 Where the store is located. If
21 there's no other stores around and it is
22 truly a high-volume store, things like that.

23 Q. Thank you for that answer. And
24 that led me to think of another circumstance
25 that I had a question on, which is SOM

1 remediation.

2 Are you familiar with that
3 term?

4 A. Yes.

5 Q. And what does that term mean to
6 you?

7 A. So when an order was determined
8 to be suspicious, the store was held to
9 remediation limit, most often their
10 threshold.

11 So if the -- if an order was
12 placed the next week that was over their
13 threshold, the order would be limited to
14 their threshold amount.

15 Q. So I have a couple of questions
16 on SOM remediation, then. The first of which
17 is, is a store -- strike that.

18 When you say, "A store was held
19 to remediation limit," what does that mean?

20 A. So it became a hard limit.

21 Q. Okay.

22 And would a store that's in SOM
23 remediation -- strike that.

24 Would a store only go into SOM
25 remediation if they had made an order that

1 had been deemed suspicious?

2 A. Yes.

3 Q. Are there any other
4 circumstances that would cause a store to go
5 into SOM remediation?

6 A. Not that I know of.

7 Q. Okay. And then when a SOM
8 store is under SOM remediation and they
9 ordered above their threshold, what would
10 happen?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: So I want to
13 clarify who "they" are.

14 Q. (BY MR. BOWER) Okay. So let's
15 assume a store is in SOM remediation.

16 A. Mm-hmm. (Witness nods.)

17 Q. Okay?

18 And that store places an order
19 for a Schedule II product that is above its
20 threshold.

21 What happens?

22 A. So the store may not have
23 placed the order. Our replenishment may have
24 placed the order for the store. So there are
25 system orders and manual orders.

1 Regardless of who the "they"
2 is, if a -- if an order is placed for a -- an
3 item that is on SOM remediation, that order
4 would be cut and kept at the threshold level.

5 Q. So let me just make sure I
6 understand.

7 So if a store is on SOM
8 remediation, and any order comes in that's
9 above its threshold, that order is cut to its
10 threshold and then shipped; is that correct?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: So orders that
13 come in, when in SOM remediation, that
14 weekly amount is kept at the threshold
15 level.

16 The reason for that is the
17 replenishment system most often is
18 who's placing the orders. And it uses
19 a 13-week history to place orders.
20 And so to teach the order system to
21 order a lower amount, we had the
22 orders capped at the threshold amount.

23 Q. (BY MR. BOWER) Okay. But I'm
24 just trying to figure out what happened to
25 that order, though, that a store has placed

1 either by the store or by the replenishment,
2 that's in remediation. Okay?

3 So we have a store in SOM
4 remediation. An order is placed either by
5 the store itself or by the replenishment
6 system. And that order is above an item
7 threshold.

8 What happens to that order?

9 A. If the store had not already
10 received their threshold, they would have
11 received up to their threshold, and that
12 would be it.

13 If they had already received
14 their threshold amount for that week, they
15 would not receive that order.

16 Q. Would that order be reported to
17 the DEA?

18 MS. FUMERTON: Objection, form.

19 THE WITNESS: The order that
20 they did not receive because they were
21 under SOM remediation, no.

22 Q. (BY MR. BOWER) Okay. And just
23 so that the record is clear, let's say, for
24 example, a store is under SOM remediation and
25 their weekly limit for Oxy 10 milligrams is

1 50 and they placed an order for 60.

2 What happens to that order for
3 60?

4 A. The order would be --

5 MS. FUMERTON: Objection, form.

6 Q. (BY MR. BOWER) And we're
7 talking about bottles now, just so we're all
8 clear.

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: The order would
11 be cut to 50 bottles and then shipped.

12 Q. (BY MR. BOWER) And for how
13 long was that policy in place?

14 A. The remediation policy, or ...

15 Q. Yes, the policy we just
16 discussed, where a store is under SOM
17 remediation and the orders that are above its
18 threshold are cut to its threshold and
19 shipped.

20 A. Until the Buzzeo system went
21 into place.

22 Q. Okay. And how did the Buzzeo
23 system change that policy?

24 MS. FUMERTON: Objection, form.

25 Go ahead.

1 THE WITNESS: The Buzzeo system
2 was dynamic and looked at a rolling
3 history. And so if an order was held
4 and reviewed and was -- the red flags
5 were not cleared, that order wasn't
6 shipped.

7 And then if there were three
8 orders for that store that were --
9 that red flags weren't shipped, then
10 we would put them into a remediation.

11 Q. (BY MR. BOWER) And we'll talk
12 more about maybe the Buzzeo --

13 A. Okay.

14 Q. -- period a little bit later.
15 But thank you for that.

16 I want to clear up one other
17 thing regarding the Reddwerks enhancement.

18 So we talked a little bit
19 before about what happens when yourself and
20 Miranda, during this time period, were either
21 deciding to approve or -- well, let me ask it
22 a different way.

23 During the late 2015 time
24 period, would you and Miranda be able to cut
25 an order and ship it?

1 A. No.

2 MS. FUMERTON: Objection, form.

3 Go ahead.

4 THE WITNESS: No.

5 Q. (BY MR. BOWER) So under the
6 circumstance where you determined that an
7 order was appropriate and ready to be
8 shipped, how would that information be
9 conveyed to the home office?

10 Sorry, strike that.

11 During this time period in late
12 2015, when you and Miranda determined that an
13 order was appropriate for shipment, how would
14 that information be conveyed to the folks who
15 needed to get it out for shipment?

16 A. I would go into Archer, update
17 their resolution to appropriate. That would
18 trigger an email to go out to the logistics
19 compliance analyst, and they would then clear
20 the alert in Reddwerks.

21 Q. So let me just make sure I have
22 the process nailed down.

23 You would go into Archer and
24 manually update the order status; correct?

25 A. Yes.

1 Q. And once that manual update
2 occurred, an automatic email would go out to
3 the logistics compliance analyst; correct?

4 A. Yes.

5 Q. And that email would inform the
6 logistics compliance analyst that that order
7 was ready for shipment; is that correct?

8 A. That the order had been
9 reviewed and cleared, yes.

10 Q. And what was the next step in
11 getting that order shipped to the pharmacy?

12 MS. FUMERTON: Objection, form.

13 THE WITNESS: The logistics
14 analyst would go into Reddwerks and
15 clear the alert. And then from there,
16 it would follow the Reddwerks process
17 to go to the DC.

18 Q. (BY MR. BOWER) So the next
19 step would be the logistics analyst would
20 have to manually go into Reddwerks to clear
21 the alert; is that correct?

22 A. Yes.

23 Q. And then that would alert the
24 folks at the DC that the order was ready for
25 shipment?

1 A. I'm not sure how that flows,
2 but it would -- it would then follow the
3 typical flow of Reddwerks to get to the DC.

4 Q. Okay. You're not as familiar
5 with the stuff on the DC end; is that
6 correct?

7 A. Correct.

8 (Walmart-Reed Deposition
9 Exhibit 13, was marked for
10 identification.)

11 Q. (BY MR. BOWER) Okay. You've
12 been handed what's been marked as Exhibit 13
13 to today's deposition.

14 Just take a moment to review
15 this.

16 My first question is going to
17 be whether this refreshes your recollection
18 whether a company by the name of Accenture,
19 A-C-C-E-N-T-U-R-E, was involved in the
20 Buzzeo.

21 A. Yes, it looks like it.

22 MS. FUMERTON: Did you review
23 the document?

24 THE WITNESS: I'm reading this,
25 yes.

1 MR. BOWER: So just take a
2 moment and tell me when you're done
3 and then I'll ask the question again.

4 MR. MILLER: Is there a Bates
5 number for Exhibit 13?

6 MR. BOWER: Yes. Sorry. It's
7 20529 through 31.

8 THE WITNESS: Okay.

9 Q. (BY MR. BOWER) Okay? Do you
10 know who Edgar Rivera is?

11 A. I do not.

12 Q. Does this refresh your
13 recollection that Walmart used a company by
14 the name of Accenture in connection with its
15 search for a SOM cloud proposal?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: I can tell that
18 Accenture was on this email with
19 regards to Buzzeeo, but other than
20 that ...

21 Q. (BY MR. BOWER) Well, you
22 received this email; right?

23 A. Yes.

24 Q. Okay. And if you'd look at the
25 third page of the email, it states, in the

1 email from Edgar Rivera, Accenture, to
2 Gary Glotz, Edgar writes, "Good afternoon,
3 Gary. As you may know, Accenture has been
4 working with Walmart for a
5 procurement/sourcing perspective on their
6 need for the SOM solution."

7 Do you see that?

8 A. Yes.

9 Q. Do you have any reason to doubt
10 that the information conveyed there by Edgar
11 is incorrect?

12 A. No.

13 Q. Do you have any idea what --
14 why there was a need for a SOM solution?

15 A. I do not.

16 MS. FUMERTON: Objection, form.

17 Q. (BY MR. BOWER) Do you know what
18 that refers to, "SOM solution"?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: Not specifically.

21 Q. (BY MR. BOWER) What about just
22 generally?

23 A. A program to do SOM work would
24 be the way I would read into that.

25 Q. Walmart was looking for a more

1 robust SOM program, wasn't it?

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: They were looking
4 to continuously improve their SOM
5 program, which is the nature of
6 Walmart.

7 Q. (BY MR. BOWER) Well, had
8 Walmart sought to continuously improve its
9 SOM program up into June 19, 2015?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: Yes. Things --
12 they were talking about Phase 2, a
13 statistical approach to the SOM
14 program in 2014 documents that we were
15 looking at. So it was something that
16 they were looking at doing.

17 Q. (BY MR. BOWER) And, in fact,
18 the Reddwerks enhancement was one of the ways
19 that Walmart sought to improve its SOM
20 program; correct?

21 A. Yes.

22 Q. Are you aware whether Walmart
23 ever did any analysis as to whether the
24 Reddwerks enhancement actually was an
25 improvement to the SOM program?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: I'm not aware.

3 Q. (BY MR. BOWER) Would you
4 expect that Walmart would do such an
5 analysis?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: I'm not sure.

8 Q. (BY MR. BOWER) What's your
9 basis for your statement that Walmart was
10 always looking to improve?

11 A. My personal knowledge of
12 Walmart and in our culture is one of
13 continual improvement.

14 I mean, I -- I'm encouraged to
15 do so in my own work, in the things that I
16 create, continually look for ways to do
17 better and be better and learn from the ways
18 we've done things in the past.

19 Q. And is it your experience that
20 someone actually looks at whether that
21 improvement has taken place?

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: Can you restate
24 the question?

25 Q. (BY MR. BOWER) Yeah. You say

1 you're "encouraged to do some of my own work,
2 in the things that I create, continually look
3 for ways to do better and better." And
4 someone in fact reviews you to determine
5 whether you're doing better and better;
6 right?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: No, that's not
9 always the case. Like, we have
10 performance evaluations, but nobody's
11 ever said, you know, Here's the way
12 you -- here's the way this module
13 worked before, and here's the way this
14 module works now, and it's better in
15 X, Y, and Z ways.

16 Q. (BY MR. BOWER) No one's ever
17 said that to you?

18 MS. FUMERTON: Objection, form.

19 THE WITNESS: Not that I can
20 recall.

21 Q. (BY MR. BOWER) You were never
22 nominated for any awards?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: Not that I know
25 of.

1 Q. (BY MR. BOWER) And your
2 expectation that Walmart always seeks to
3 improve is based on your experience at
4 Walmart; is that correct?

5 A. Yes.

6 Q. And is it your experience that
7 when Walmart improves something, it then gets
8 out of the business of doing that same thing?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: I'm not sure how
11 to answer that question. Like, that
12 that -- yeah, I'm just not sure how.

13 Can you restate, maybe?

14 MR. BOWER: Sure.

15 Q. (BY MR. BOWER) You are aware,
16 aren't you, that Walmart no longer
17 distributes controlled II narcotics?

18 A. Yes.

19 Q. So you're aware that Walmart
20 improving that business, why did it get out
21 of that business?

22 MS. FUMERTON: Objection, form.
23 Lack of foundation.

24 THE WITNESS: I was not
25 involved -- we are still very much in

1 the pharmacy business. The
2 distributing business, I was not
3 involved in those conversations about
4 why we were no longer distributing.

5 Q. (BY MR. BOWER) You never
6 wondered why Walmart was working to
7 continually improve this business, and then
8 got out of the business?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: There's always
11 decisions being made about the way the
12 business is headed in whatever Walmart
13 is doing. And things change on a
14 regular basis. And so it's not
15 something that surprises me when we
16 change the direction that we're going.

17 Q. (BY MR. BOWER) Were you
18 surprised when Walmart decided to no longer
19 distribute Schedule II narcotics?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: Walmart decided
22 not to distribute controlled
23 substances as a whole, not just
24 Schedule II narcotics.

25 And it wasn't something that I

1 expected, no, but it was explained
2 that that was the way the business was
3 going, and that's ...

4 Q. (BY MR. BOWER) Did Walmart's
5 decision to stop distributing controlled
6 substances affect the jobs of any of the
7 folks that you work with at Walmart?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: "Affect the
10 jobs." Can you clarify?

11 Q. (BY MR. BOWER) Did anyone lose
12 their job as a result of Walmart's decision?

13 A. So we had temporary associates
14 that were given notice that those temporary
15 positions would no longer be necessary.

16 We -- some positions, we had a
17 handful of people that moved on before that
18 notice, and then from there we ended up
19 keeping the other people.

20 Q. And you never discussed with
21 any of those, for example, associates that
22 lost their jobs why Walmart was deciding to
23 get out of the business?

24 A. So --

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: We told them the
2 same thing I was told, that Walmart
3 made the decision that they were
4 switching gears in their business
5 practice and would be using McKesson
6 for all the controlled substances.

7 Q. (BY MR. BOWER) And how were
8 you told that Walmart was switching gears in
9 its business practice?

10 Was there an email? A meeting?
11 Something else?

12 MS. FUMERTON: If it was --
13 because she's -- if it was --

14 MR. BOWER: You can say it was
15 an attorney that told you. Yeah.

16 THE WITNESS: Okay. Yeah.

17 MS. FUMERTON: If it was an
18 attorney -- if this is from -- if you
19 learned this from communications with
20 counsel, you can say that it was from
21 communications with counsel. But do
22 not go into the details of it, and
23 we'll see what appropriate or
24 inappropriate questions he asks after
25 that.

1 THE WITNESS: So with
2 communication from counsel.

3 Q. (BY MR. BOWER) Do you know
4 whether that counsel was a Walmart counsel or
5 outside counsel?

6 A. Walmart counsel.

7 Q. Do you know who communicated
8 that to you? The name of the person?

9 A. I'm -- Karen Davila. I'm
10 almost 100 percent sure.

11 Q. And was it an email? Or was it
12 something else?

13 A. There was a meeting, and then
14 an email was sent with a nondisclosure
15 agreement.

16 Q. Did you -- were you required to
17 sign a nondisclosure agreement in connection
18 with Walmart's decision to stop distributing
19 controlled substances?

20 A. Yes.

21 Q. When did you sign that
22 agreement?

23 A. Early 2018.

24 Q. Okay. Did you have any of your
25 own attorneys review that agreement before

1 you signed it?

2 A. No.

3 Q. Were you required to sign that
4 agreement to continue your employment at
5 Walmart?

6 A. No.

7 Q. Are you aware of other Walmart
8 employees that did not sign the agreement?

9 A. I do not know.

10 Q. Did you have any discussions
11 about the agreement with anyone else besides
12 counsel for Walmart?

13 A. No.

14 Q. Did you receive any
15 compensation in return for signing your
16 agreement?

17 MS. FUMERTON: I'm going to
18 object to this.

19 MR. BOWER: That's not a
20 privileged question. Whether she had
21 a conversation in exchange for signing
22 an agreement?

23 MS. FUMERTON: I don't know
24 enough --

25 It could be part of -- I don't

1 know the circumstances of this.

2 MR. BOWER: Well, I'm going to
3 ask the question.

4 MS. FUMERTON: I'm going to
5 instruct her not to answer.

6 Q. (BY MR. BOWER) Did you receive
7 any compensation in connection with signing a
8 nondisclosure agreement related to Walmart's
9 decision to stop distributing controlled
10 substances?

11 MS. FUMERTON: Unless I have an
12 opportunity to consult with her, I'm
13 going to instruct her not to answer.
14 I can consult with her during a break.

15 MR. BOWER: Why don't you do
16 that.

17 MS. FUMERTON: Consult now?

18 MR. BOWER: Yes.

19 MS. FUMERTON: Okay.

20 THE VIDEOGRAPHER: 2:46. We
21 are off the video record.

22 (Recess taken, 2:46 p.m. to
23 3:26 p.m.)

24 THE VIDEOGRAPHER: 3:26. We
25 are on the video record.

1 MS. FUMERTON: There was a
2 pending question that the witness had
3 asked to consult me about with respect
4 to privilege. I am going to instruct
5 her not to answer the pending
6 question.

7 MR. BOWER: Okay. And I just
8 note for the record that we've been
9 off the record now for about
10 45 minutes, which I think is a little
11 bit peculiar to consult on one
12 question. And I do have some other
13 questions which I understand your
14 counsel may instruct you not to
15 answer, but I'm going to ask them and
16 then we'll see how it goes.

17 MS. FUMERTON: And I would just
18 like to make a statement on the record
19 that I had asked you during the break
20 whether or not we could move on from
21 this question and potentially get back
22 to it at a later point in time during
23 today. And you refused to do that
24 accomodation. And so you have an
25 obligation with respect to your

1 clients; I have an obligation with
2 respect to my clients, and I will
3 exercise that zealously.

4 MR. BOWER: And I understand
5 that you will. I didn't realize we
6 were making those statements on the
7 record. So in fairness to myself,
8 your question was broader. You asked
9 me to move on from this entire topic,
10 and you asked for a lot of time to get
11 answers on this. You stated you were
12 unaware of this prior to now, which I
13 think is very unusual and suspect.

14 And I said I don't think that's
15 appropriate. We're entitled to
16 truthful testimony from this witness,
17 and you're entitled to make your
18 instructions as you see appropriate.

19 After you made that request,
20 you then took the half an hour that
21 you requested from me, so now you have
22 had all the time that you need, and I
23 expect you will be prepared to
24 instruct your witness as you see fit.

25 MS. FUMERTON: And I disagree

1 with your characterization of our
2 conversation and the extent to which I
3 asked us to move on. It was specific
4 to the nondisclosure agreement. I was
5 not asking for a broader sort of
6 subject matter change. It was just
7 with respect to that one issue. And
8 let's move on.

9 MR. BOWER: I believe your
10 specific request was, "Can we please
11 move on from this topic?"

12 MS. FUMERTON: I said specific
13 to the nondisclosure.

14 MR. BOWER: Right. Which is, I
15 think, inappropriate. She's here for
16 a deposition. Unless you're going to
17 give us more than seven hours, we need
18 to ask her our questions. So we're
19 going to have to do that now.

20 MS. FUMERTON: Well, I was
21 actually being respectful of the
22 record and not having this lengthy
23 discussion on the record and going off
24 the record and have that conversation
25 with you so that you would have your

1 entire seven hours. So I think we
2 should move on, and I will instruct
3 the witness appropriately.

4 MR. BOWER: So thank you.

5 Q. (BY MR. BOWER) And are you
6 going to follow your counsel's instructions
7 and not answer the question as to whether you
8 received compensation in connection with
9 signing the nondisclosure agreement?

10 A. Yes.

11 Q. So I'm going to take a step
12 back, then, and ask some other questions
13 which I hope that you are willing to answer.
14 Okay?

15 First of those questions is,
16 you mentioned that there was a meeting
17 that -- where the decision by Walmart to get
18 out of the distribution of controlled
19 substances was first discussed.

20 Do you recall that?

21 A. There was a meeting where I was
22 first told of it.

23 Q. Okay. I appreciate the
24 clarification.

25 And who was at that meeting?

1 A. I know for sure myself,
2 Jamie Newell and Miranda Johnson, and Karen
3 Davila.

4 Q. And Karen Davila is from which
5 law firm?

6 A. She's internal Walmart counsel.

7 Q. Were there any counsel there
8 that were not internal to Walmart?

9 A. I don't recall.

10 Q. Other than Ms. Davila, were
11 there any other attorneys there?

12 A. Not that I recall.

13 Q. Were there other folks that
14 were at the meeting that you cannot recall as
15 you sit here today?

16 MS. FUMERTON: Objection to the
17 form of the question.

18 Q. (BY MR. BOWER) Well, you
19 said -- your testimony was -- and I'll
20 clarify -- you said you know for sure myself,
21 Jamie, and Miranda and Karen Davila; correct?

22 A. Yes.

23 Q. Do you recall there being more
24 than five people there?

25 A. I do not.

1 Q. Okay. Do you know whether
2 Miranda Johnson signed a nondisclosure
3 agreement?

4 MS. FUMERTON: I am going to
5 instruct her not to answer that
6 question if she only knows the answer
7 because of meetings with counsel.

8 MR. BOWER: So is your
9 instruction suggesting that the fact
10 of whether Miranda signed a
11 nondisclosure agreement is privileged?

12 MS. FUMERTON: My objection is
13 that if she knows the answer to that
14 question only because of
15 communications with counsel, that is
16 privileged.

17 MR. BOWER: And why would that
18 be privileged?

19 MS. FUMERTON: Because
20 communications with counsel are
21 privileged.

22 MR. BOWER: Well, all
23 communications with counsel are
24 privileged?

25 MS. FUMERTON: I mean, I'm not

1 going to get into the treatise of what
2 can be and cannot be privileged, but
3 most communications with counsel are
4 privileged. And in this instance --
5 if she has knowledge of whether or not
6 Miranda signed a nondisclosure
7 agreement outside of communications
8 with counsel, I'm fine with her
9 answering that question. I'm just not
10 going to allow her to answer that
11 question if the only reason she knows
12 whether or not that's true or not is
13 because of communications with
14 counsel.

15 MR. BOWER: Okay. I
16 understand.

17 Q. (BY MR. BOWER) Do you have
18 knowledge of whether she signed outside of
19 communication with counsel?

20 A. I do not know.

21 Q. And who else did you mention
22 was a Walmart employee that was present at
23 that meeting?

24 A. Jamie Newell.

25 Q. Do you know, outside of

1 conversations with counsel, whether Jamie
2 signed a nondisclosure agreement?

3 A. Yes.

4 Q. Was that something you spoke
5 with her about?

6 A. Him.

7 Q. Sorry, him.

8 A. No, we didn't speak about it.
9 We both signed it at the same time, and the
10 email was sent back to legal together.

11 Q. And how is it that you both
12 signed at the same time?

13 A. Well --

14 Q. Can you just explain what
15 happened?

16 A. So we had a meeting, and --

17 MS. FUMERTON: And, look. I
18 think portions of that question can be
19 answered in a way that doesn't reveal
20 privileged information. I think some
21 of it cannot. So I instruct you to
22 answer that question only to the
23 extent that you can do so without
24 revealing communications with counsel.

25 THE WITNESS: Okay. We were

1 together at the time the meeting was
2 had, and so instead of both sending a
3 separate email, we -- the email was
4 sent. So we signed; we scanned the
5 documents; they were sent.

6 Q. (BY MR. BOWER) Okay. Did you
7 receive the nondisclosure agreements at the
8 meeting?

9 MS. FUMERTON: I'm going to
10 object to that --

11 I'm not going to object.

12 Go ahead.

13 THE WITNESS: I don't recall.

14 Q. (BY MR. BOWER) How long after
15 the meeting did you receive the email that
16 attached the nondisclosure agreement?

17 A. I don't recall.

18 Q. Did you receive the email while
19 you were at the meeting?

20 MS. FUMERTON: Objection, asked
21 and answered.

22 THE WITNESS: I don't recall.

23 Q. (BY MR. BOWER) Did you sign --
24 strike that.

25 Do you recall signing the

1 nondisclosure agreement the same day that the
2 meeting occurred?

3 A. I don't recall.

4 Q. What do you recall about the
5 circumstances surrounding the signing of the
6 nondisclosure agreement?

7 MS. FUMERTON: I'm going to
8 object to that question because it
9 calls for attorney-client privilege
10 and instruct the witness not to
11 answer.

12 Q. (BY MR. BOWER) Do you have any
13 recollection as you sit here today
14 approximately the sequence of events as to
15 how long after this meeting occurred that you
16 received the nondisclosure agreement?

17 Was it the same day? Days?
18 Weeks? Months?

19 A. I don't recall. It wouldn't
20 have been months. It wasn't months until we
21 weren't --

22 MS. FUMERTON: I would -- just
23 answer the question, and not go
24 beyond.

25 THE WITNESS: Yes, it wasn't

1 months. Sorry.

2 MS. FUMERTON: And again, I'm
3 instructing the witness -- I'm giving
4 that -- the witness that guidance
5 only, again, to protect the
6 attorney-client privilege, not for any
7 other reason.

8 THE WITNESS: Okay.

9 Q. (BY MR. BOWER) Well, I'm just
10 trying to figure out how much time occurred
11 between when this meeting occurred; right?
12 And when the agreement was provided to you.
13 That's all I'm trying to get at.

14 MS. FUMERTON: And object to
15 form, asked and answered.

16 MR. BOWER: Okay.

17 MS. FUMERTON: Go ahead.

18 THE WITNESS: I don't recall
19 the timing of the meeting, and then
20 the receiving of the document. I
21 just -- I don't recall that timing.

22 Q. (BY MR. BOWER) And why is it
23 that you recall signing the document at the
24 same time as Jamie?

25 MS. FUMERTON: Objection, form.

1 Asked and answered.

2 THE WITNESS: I can't explain
3 why I recall some things and not other
4 things.

5 Q. (BY MR. BOWER) Well, did you
6 get -- when you got the email with the
7 nondisclosure agreement, did you print it
8 out?

9 A. I would have had to print it
10 out to sign it.

11 Q. Did you print a copy out for
12 Jamie?

13 A. Not that I recall.

14 Q. And what's Jamie's full name
15 again?

16 A. Jamie Newell.

17 Q. Who sent the email with the
18 signed agreements for both you and
19 Mr. Newell -- or Ms. Newell. Is it Jamie --

20 A. He's a male.

21 Q. Okay. Sorry.

22 MS. FUMERTON: Objection, form.

23 THE WITNESS: If I recall
24 correctly, Jamie sent the email.

25 Q. (BY MR. BOWER) Okay. So you

1 printed out the nondisclosure agreement;
2 right?

3 A. Yes.

4 Q. Did you sign it the same day
5 you printed it out?

6 A. I don't recall. I would assume
7 that I did.

8 Q. Okay.

9 A. But I -- I don't recall exact
10 timing.

11 Q. Okay. And then once you print
12 it out, you sign a hard copy, correct?

13 A. Yes.

14 Q. And then you scanned it in at
15 Walmart in some fashion?

16 A. Yes.

17 Q. You made an electronic version
18 of it; correct?

19 A. Yes.

20 Q. Okay. You sent that electronic
21 version to Jamie?

22 A. I don't recall. I don't know
23 if I scanned it back in or if he scanned both
24 of them together. Like, I don't recall.

25 Q. Do you recall seeing the

1 agreement that Jamie signed?

2 A. I don't know that I looked. I
3 was cc'd on the email when it was sent back
4 to the attorneys, and it would have included
5 mine and his. But I did not -- I don't
6 recall looking at his compared to mine.

7 Q. Do you know whether his
8 agreement is identical to yours?

9 A. I would not know.

10 Q. Did you speak with anyone about
11 the agreement prior to signing it other than
12 Walmart counsel?

13 A. No.

14 Q. And why not?

15 A. Because I --

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: I didn't have any
18 reason to speak to anybody.

19 Q. (BY MR. BOWER) How long was
20 the agreement?

21 A. I don't recall.

22 Q. Approximately how many pages
23 was the agreement?

24 A. I don't recall. It was a short
25 document. It wasn't -- it wasn't a novel.

1 Q. Okay.

2 A. And I don't think it was ten
3 pages. I would -- if I recall correctly, it
4 was two.

5 Q. Thank you. I'm just trying to
6 get a sense. And I understand it's difficult
7 to recall certain details.

8 The email that provided the
9 agreement to you, who sent that email?

10 A. Deanna McNeill.

11 Q. Is it Dana? Is that the first
12 name?

13 Is it based on your
14 recollection?

15 A. I thought it was Deanna.

16 Q. Deanna?

17 A. Deanna. Yeah.

18 Q. Is she also an attorney at a
19 law firm? Or is she at Walmart?

20 A. I think she's --

21 MS. FUMERTON: Objection, form.
22 Go ahead.

23 THE WITNESS: I think she's
24 internal Walmart, but I don't know for
25 sure.

1 Q. (BY MR. BOWER) Had you ever
2 met her before?

3 A. Not that I know of.

4 MS. FUMERTON: I am going to
5 amend my prior objection.

6 MR. BOWER: Okay.

7 MS. FUMERTON: I will still
8 object to any questions about
9 communications with legal, about the
10 circumstances or the meeting in which
11 you were in discussing that you
12 testified about before, but to the
13 extent that the witness has
14 recollection about a nondisclosure
15 agreement, I will allow her to testify
16 about that.

17 Other than what she's already
18 testified. So I can't parse through
19 your questions as to which this
20 affects or doesn't. But go ahead.

21 Q. (BY MR. BOWER) So are you
22 going to allow her to answer the compensation
23 question?

24 MS. FUMERTON: Yes.

25 Q. (BY MR. BOWER) Did you receive

1 compensation in connection with signing the
2 nondisclosure agreement that related to
3 Walmart's decision to stop distributing
4 controlled substances?

5 A. I did not receive any
6 compensation for signing that document. I
7 received my normal paycheck like I always do,
8 but not for signing that document.

9 Q. And were you ever informed as
10 to what would happen if you refused to sign
11 the document?

12 MS. FUMERTON: Again, to the
13 extent that that reveals
14 communications with counsel, I'm going
15 to object to her answering that
16 question.

17 But to the extent that there
18 was discussions outside of
19 communications with counsel, you can
20 answer.

21 THE WITNESS: That
22 communication would have been with
23 counsel.

24 Q. (BY MR. BOWER) Did
25 Miranda Johnson sign the agreement?

1 A. I don't know.

2 MS. FUMERTON: Again -- well --

3 Q. (BY MR. BOWER) That's why I
4 have to ask them again? Are you --

5 MS. FUMERTON: No, no, I
6 appreciate it. That's what I was just
7 trying to avoid. But that's why I
8 have to give the same set of
9 instructions.

10 To the extent that you can
11 answer his questions.

12 MR. BOWER: So that hasn't
13 changed?

14 MS. FUMERTON: Correct, that
15 instruction does not change --

16 MR. BOWER: Okay. So your
17 answer won't change?

18 MS. FUMERTON: Yes.

19 Q. (BY MR. BOWER) Who were the
20 parties to the agreement?

21 A. I don't know.

22 Q. Do you know whether Walmart is
23 a party to the agreement?

24 A. I don't know. I'm not a
25 lawyer. I don't know what all the different

1 terms were.

2 Q. Okay. Did anyone at Walmart
3 suggest that you should have your own
4 attorney review the agreement before signing
5 it?

6 MS. FUMERTON: Again, to the
7 extent that you can answer that
8 question outside of communications
9 with counsel, you can answer the
10 question.

11 If you can only answer that
12 question in consultation with
13 communications with counsel, you
14 cannot.

15 THE WITNESS: That would be a
16 counsel conversation.

17 Q. (BY MR. BOWER) Do you recall
18 whether you had a deadline with which you had
19 to decide whether to sign the agreement or
20 not?

21 MS. FUMERTON: Same question --
22 or same instruction.

23 THE WITNESS: That would be
24 counsel.

25 Q. (BY MR. BOWER) Were you ever

1 instructed not to discuss the agreement with
2 anybody?

3 MS. FUMERTON: Same
4 instruction.

5 THE WITNESS: Yes, that would
6 be counsel.

7 Q. (BY MR. BOWER) Did you ever
8 discuss the agreement with anybody, other
9 than counsel?

10 A. No.

11 Q. Discuss the agreement with any
12 family members or friends?

13 A. No.

14 Q. What are the terms of the
15 agreement? How long does it last?

16 A. I don't know.

17 Q. What is your understanding as
18 to how long the agreement lasts?

19 MS. FUMERTON: And again, if
20 you have an understanding independent
21 of your communications with counsel,
22 you can answer the question. But if
23 your understanding is only based on
24 your communication with counsel, you
25 cannot.

1 MR. BOWER: Well, wouldn't your
2 understanding come from the agreement
3 itself?

4 MS. FUMERTON: It could.
5 That's why I'm giving the instruction
6 that I'm giving. So there is a
7 potential way ...

8 Q. (BY MR. BOWER) Let me ask it a
9 different way.

10 Does the agreement have a
11 defined term? In other words, does the
12 agreement define how long it will last?

13 A. I'm not sure.

14 Q. Is that something you
15 considered before signing the agreement?

16 A. I'm not sure.

17 Q. Okay.

18 A. I understood the reason they
19 asked me to sign the document, and so I
20 trusted counsel and signed the document.

21 Q. And what was that reason?

22 MS. FUMERTON: Objection. I
23 instruct you not to answer that
24 question.

25 THE WITNESS: Okay.

1 MS. FUMERTON: That was
2 specifically a question, Counsel.

3 MR. BOWER: I understand your
4 objection.

5 MS. FUMERTON: That's fine.
6 But sometimes I'm saying like
7 partial -- like if you have separate.
8 That one fully -- I'm instructing you
9 not to answer.

10 Q. (BY MR. BOWER) So you signed
11 the agreement based on the statements made by
12 Walmart counsel; is that correct?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: I signed the
15 document based on my understanding,
16 and part of that was counsel and -- I
17 don't remember reading it, but I'm
18 sure I read it. I don't tend to sign
19 things without reading them, but I
20 don't remember exact wording.

21 Q. (BY MR. BOWER) Was this the
22 first nondisclosure agreement you've signed
23 while being employed at Walmart?

24 MS. FUMERTON: Okay. Now, I'm
25 instructing you not to answer that

1 question unless you are certain
2 that -- and I don't know whether any
3 such exist -- that there isn't some
4 other provision that would prohibit
5 you from disclosing that information.

6 MR. BOWER: I'm not sure I
7 understand that instruction, but
8 the --

9 MS. FUMERTON: Here's my
10 instruction.

11 MR. BOWER: The question
12 doesn't call for privileged
13 information, so you can't instruct her
14 not to answer. I mean, it's --

15 MS. FUMERTON: Well, no, the --

16 MR. BOWER: The fact of another
17 agreement isn't privileged. I don't
18 even think the agreement itself is
19 privileged, but ...

20 MS. FUMERTON: Sometimes
21 agreements can -- it might not be
22 privileged, but some agreements can be
23 confidential. And I don't know --
24 sometimes they have notice provisions
25 and other things that are involved

1 before they can reveal the existence.

2 And those things, I'm not going to
3 allow her to answer.

4 Q. (BY MR. BOWER) Okay. So are
5 you going to follow your counsel's
6 instruction and not answer that question of
7 whether you've ever signed another
8 nondisclosure agreement with Walmart?

9 A. Yes. I'm going to follow my
10 attorney's guidance.

11 Q. Okay.

12 MR. BOWER: And I do have more
13 questions, but I don't want to forget
14 to put this on the record. It would
15 be our position that these documents
16 should be produced, should have been
17 produced, at the very minimum should
18 have been included on a privilege log
19 including the occurrence of the
20 meeting, any communications regarding
21 a meeting, any communications to any
22 of the Walmart witnesses regarding the
23 meeting, and anything related to this
24 issue should have certainly been
25 included in our privilege log at a

1 minimum.

2 And so we will keep this
3 deposition open, and we will seek to
4 reopen all the other depositions of
5 the folks who signed this agreement
6 but we were not aware of the agreement
7 prior to today.

8 MS. FUMERTON: Okay. Well,
9 first of all, your statement was a
10 little bit meandering.

11 So with respect to the specific
12 nondisclosure agreement that I have
13 permitted her to testify about, I do
14 not think that you have any right to
15 keep that deposition open.

16 MR. BOWER: She said she
17 doesn't recall the terms of the
18 agreement. How do we ask her about
19 the terms if we don't have the
20 agreement? You should have it here
21 today.

22 MS. FUMERTON: Well, here is
23 the other issue. I said -- I do not
24 recall whether or not you said all
25 these other things should have been on

1 the privilege log. I don't know that
2 they aren't. So I'm not -- for all I
3 know that they are actually on a
4 privilege log. I'm not saying they
5 are. I'm just saying I don't know one
6 way or another.

7 MR. BOWER: Well, I would be
8 surprised. They were given -- your
9 representation is that this was the
10 first you've heard about it. So I
11 would be surprised if it was on there
12 if counsel for Walmart in this case
13 doesn't know about it.

14 MS. FUMERTON: That's -- no,
15 no, no, no. Listen, I'm not the only
16 counsel for Walmart, but that's a
17 different issue altogether, and
18 whether you find shocking or not I
19 cannot comment on -- please let me
20 finish.

21 But all I'm saying is I think
22 it's inappropriate. I think you
23 should -- need to exhaust your
24 questions to what she recalls about
25 the nondisclosure agreement, and I

1 will not agree that the deposition can
2 be kept open. You can make whatever
3 statements you want, but to be clear,
4 I'm permitting her to testify about
5 what she recalls about the
6 nondisclosure agreement other than
7 communications with counsel, and so
8 those questions should be exhausted
9 today.

10 MR. BOWER: Okay. Appreciate
11 that.

12 Q. (BY MR. BOWER) You've
13 testified already that you don't recall the
14 term of the agreement; is that correct?

15 MS. FUMERTON: Objection, form.

16 Q. (BY MR. BOWER) Well, I'll just
17 ask you again.

18 Do you recall how long the
19 agreement lasts?

20 A. No.

21 Q. Do you believe if you had the
22 agreement here today, you could answer that
23 question?

24 A. I would assume there would be a
25 term listed in the agreement.

1 Q. Do you recall my questions
2 regarding who the parties are to the
3 agreement?

4 A. Yes.

5 Q. And do you know who the parties
6 are to the agreement?

7 A. I do not.

8 Q. Do you believe you could answer
9 that question if we had the agreement here
10 today?

11 A. Possibly.

12 MS. FUMERTON: I'll also just
13 say that the terms of the agreement
14 will speak for themselves. So I don't
15 know, you know, what additional
16 insights she could possibly offer to
17 that, since, as I said before, you
18 could ask other things about the
19 agreements. Communications with
20 counsel, whether or not you choose to
21 reopen it or not, are still not going
22 to be answered because they're
23 communications with counsel and are
24 privileged.

25 MR. BOWER: So let me just

1 keep -- despite those statements, let
2 me just keep going, okay?

3 Q. (BY MR. BOWER) What is the
4 scope of the agreement? What does it cover?

5 MS. FUMERTON: You can answer
6 to the best of your recollection.

7 THE WITNESS: Okay.

8 MS. FUMERTON: And other than
9 communications with counsel. But
10 based on your recollection of the
11 agreement.

12 THE WITNESS: My understanding
13 was to not disclose the fact that we
14 were stopping distribution of our
15 controlled substances because the
16 project was still underway.

17 Q. (BY MR. BOWER) Did the
18 agreement cover anything else?

19 A. I don't recall.

20 Q. Would you be able to answer
21 that question if you had the agreement in
22 front of you?

23 A. I'm assuming that the rest of
24 the terms would be in the agreement.

25 MR. BOWER: And I'm just a

1 little bit curious that if that's the
2 scope of the agreement, I'm not sure
3 why there's any -- the facts have
4 already been revealed, so I don't know
5 the basis for any of these objections.

6 MS. FUMERTON: Well, I
7 disagree, because your question has
8 been broader. I've not been objecting
9 or instructing her not to answer about
10 the facts of the agreement. I've been
11 objecting to any questions you ask
12 that go beyond that with
13 communications with counsel about the
14 agreement.

15 Q. (BY MR. BOWER) Who are the
16 names of the temporary associates that lost
17 their jobs when Walmart decided to stop
18 distributing controlled substances?

19 MS. FUMERTON: Objection, form
20 and lack of foundation.

21 THE WITNESS: So our temporary
22 associates, none of them lost their
23 jobs. They moved on to other
24 positions and/or went back to their
25 original position. It was a temporary

1 position from the get-go.

2 Q. (BY MR. BOWER) Well, earlier,
3 I believe you testified that there were some
4 folks who lost their jobs in connection with
5 Walmart's decision to stop distributing
6 controlled substances.

7 A. Well, there were some.

8 MS. FUMERTON: Objection, form,
9 form. And that was actually just a
10 statement about what he believed, so
11 wait for a question. And I don't know
12 if you were finished. You jumped in.

13 Q. (BY MR. BOWER) Is that true?

14 MS. FUMERTON: Well, objection,
15 form.

16 THE WITNESS: So there are --
17 there were people -- that position was
18 no longer needed. So there were
19 people that were no longer in that
20 position.

21 There was nobody that I'm aware
22 of that was left without a job.
23 People transferred to other positions.
24 We had people to go back to the
25 stores. So nobody was let go from

1 Walmart as -- on our team as part of
2 this.

3 Q. (BY MR. BOWER) Okay. What are
4 some -- who are some of the people that were
5 repositioned back to the stores?

6 A. So Carrie Bohl, B-O-H-L, made
7 the decision to go back to the store.

8 Q. Anyone else?

9 A. She, I think, is the only one
10 that went back to the store, from what I
11 recollect.

12 Q. Let's go back to the
13 nondisclosure agreement, then, for a minute.

14 Do you have any understanding
15 as to why Walmart wanted you to sign the
16 agreement?

17 MS. FUMERTON: I object to the
18 question and instruct you not to
19 answer to the extent that it would --
20 your answer would reveal
21 communications with counsel.

22 If you have an independent
23 understanding, you can answer the
24 question.

25 THE WITNESS: That would have

1 been a counsel conversation.

2 Q. (BY MR. BOWER) Well, did the
3 agreement itself provide you any explanation
4 as to why it was necessary?

5 A. I don't recall what was
6 actually in the document.

7 Q. So if we had the document, we
8 might be able to get an answer to that
9 question; right?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: It's possible.

12 Q. (BY MR. BOWER) Did you keep --
13 strike that.

14 Do you know whether Walmart
15 ever signed the agreement?

16 A. I don't know.

17 Q. Did you ever receive a signed
18 copy back?

19 A. Not that I recall.

20 Q. Did you keep the original
21 signed copy that you signed?

22 A. I'm not sure.

23 Q. You don't know where that
24 resides today, do you?

25 A. No.

1 Q. And I think I asked this, but I
2 just want to be sure.

3 Did you receive instructions at
4 the time not to discuss the fact of the
5 agreement with anyone?

6 MS. FUMERTON: Again, to the
7 extent that that was -- those
8 instructions were given by counsel, I
9 instruct you -- well, I should say
10 that they were, assumes they were. To
11 the extent the answer to that question
12 would reveal communications with
13 counsel, I instruct you not to answer.

14 THE WITNESS: That would have
15 been a counsel conversation.

16 Q. (BY MR. BOWER) Well, does the
17 agreement itself provide a provision that you
18 were not allowed to discuss the fact of its
19 existence?

20 A. I don't know.

21 Q. Would you know the answer to
22 that question if you had the agreement in
23 front of us today?

24 A. I'm assuming that that's in the
25 document. I don't recall.

1 Q. Other than the folks we've
2 discussed already, are you aware of anyone
3 else that signed the agreement other than
4 what you may have learned in communications
5 with counsel?

6 A. I wouldn't know.

7 Q. I'm going to ask just a few
8 more questions on this agreement and then I
9 can move on. I'm just trying to get a sense
10 of a timing here.

11 Approximately how long before
12 Walmart actually exited its distribution
13 operations for controlled substances did you
14 sign the agreement?

15 A. I don't know exact timing. It
16 was a couple months before the process
17 started of moving the controlled substances
18 to McKesson.

19 Q. And does the agreement then
20 expire once Walmart has completed the
21 movement of controlled substances to
22 McKesson?

23 A. I'm not sure.

24 Q. All right. Let's kind of take
25 a step back and go back to where we were

1 before we got here. I may have some -- a few
2 more questions at the end, but hopefully
3 not -- okay? -- on the agreement. But let's
4 move on for now.

5 A. Okay.

6 Q. At some point, did you become
7 involved in working on "know your customer"
8 data?

9 A. Yes.

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: Yes.

12 Q. (BY MR. BOWER) And what was
13 your involvement with that?

14 A. I built the queries in the
15 Alteryx module that was used to pull the data
16 that we thought was relevant with the "know
17 your customer" information, and then built
18 the application in Archer to house that
19 information.

20 Q. Let's try to break that down a
21 little bit more, if we can.

22 What did you do to build the
23 queries in the Alteryx module to pull data --
24 to pull the data?

25 A. So I built queries. So Miranda

1 and I worked together to come up with metrics
2 that were needed. And then I built queries
3 to gather that information. And then Alteryx
4 was used to get it in the format that would
5 be needed to import into Archer.

6 Q. And what data source did you
7 use to run those queries?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: So Alteryx is the
10 system that I used to run the queries.
11 Teradata is the source of the query.

12 Q. (BY MR. BOWER) And why did you
13 use Alteryx to run the queries on the
14 Teradata?

15 A. Why did I use Alteryx instead
16 of Teradata?

17 Q. No, why did you use Alteryx to
18 run the queries in the Teradata database?

19 MS. FUMERTON: Object to form.

20 THE WITNESS: So I used Alteryx
21 because it's an easy-to-use, for me,
22 analytic tool that allows us to build
23 modules that allow you to do the same
24 thing, to replicate the information so
25 it can be pulled on a routine basis

1 and get the same results.

2 Q. (BY MR. BOWER) So can you just
3 explain a little bit more precisely how that
4 works? How does Alteryx pull information
5 from Teradata?

6 A. So Alteryx has a connection
7 that allows it to essentially talk to
8 Teradata. A query is pulled -- is put into
9 an Alteryx tool, and that, then, connects to
10 Teradata and pulls back the information.

11 Q. And does that query tell
12 Alteryx what information to pull from
13 Teradata?

14 A. Yes.

15 Q. And then how does that
16 information get populated in Archer?

17 MS. FUMERTON: Objection, form.

18 MR. BOWER: Strike that.

19 Q. (BY MR. BOWER) What happens
20 after Alteryx pulls the data from Teradata?

21 A. So Alteryx pulls the data.
22 Runs it through the module that I build.
23 There's a couple of different calculations
24 and grouping of data and things like that in
25 the Alteryx module. It spits out an Excel

1 spreadsheet. That Excel spreadsheet is then
2 imported into Archer.

3 Q. Is that an automated process?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: No.

6 Q. (BY MR. BOWER) Okay. And is
7 that process set up to run so that the
8 information is continuously updated in
9 Archer?

10 A. My team pulls the data every
11 quarter, and it's updated in Archer on a
12 quarterly basis.

13 Q. And does your team -- strike
14 that.

15 When did this work start?

16 A. In mid-to-late 2015.

17 Q. Okay. And has the data you're
18 pulling from Teradata changed since
19 mid-to-late 2015?

20 A. Not significantly. We use a
21 different query now than we did in 2015.

22 Q. Okay. Is this work, this "know
23 your customer" work still ongoing today?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: Yes.

1 Q. (BY MR. BOWER) And why is
2 that?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: The data has
5 proved useful in other investigations
6 that don't involve SOM.

7 Q. (BY MR. BOWER) And how else
8 has the data proven useful?

9 MS. FUMERTON: If these -- if
10 you're discussing -- are you talking
11 about investigations with counsel, or
12 are you talking about something
13 outside of work with counsel? With
14 the legal -- with legal?

15 Well, I'm now asking questions.

16 I'm going to instruct you not
17 to -- I apologize.

18 I'm going to instruct you not
19 to answer the question to the extent
20 that you could only answer that
21 question based on communication with
22 counsel.

23 If you have an -- if there is
24 another use outside of communications
25 with counsel or legal, you can

1 testify.

2 THE WITNESS: Sorry, I'm trying
3 to --

4 MR. BOWER: No problem.

5 THE WITNESS: I do lots of work
6 with legal, and so I'm trying to make
7 sure that I'm using an example
8 that ...

9 MR. BOWER: I will just say I
10 don't think the fact that you're doing
11 something necessarily reveals legal
12 advice and I don't think it's
13 privileged.

14 MS. FUMERTON: That's not what
15 you asked. You asked why would it be
16 useful.

17 Q. (BY MR. BOWER) Okay. So let
18 me ask it a different way.

19 What are you doing with the
20 data today?

21 A. So currently, I can't think of
22 anything that we're using the data for. We
23 continue to pull it because there have been
24 circumstances where we -- where it's come in
25 handy.

1 Q. And what are those
2 circumstances?

3 MS. FUMERTON: I'm going to
4 instruct her not to answer that
5 question on the basis that it's
6 privileged. She made it clear earlier
7 that she cannot think of any examples
8 that would not involve legal.

9 MR. BOWER: She didn't make it
10 clear, and I don't think that the
11 fact -- the circumstance is a legal
12 advice. I'm just asking what the
13 circumstances are.

14 MS. FUMERTON: No, you're
15 asking the circumstances that made it
16 useful. And I think that that
17 would --

18 Again, if she can give an
19 example that would not have been in
20 connection with a request from legal,
21 she can answer the question. If she
22 can only answer the question in
23 connection with a request from legal,
24 I'm going to instruct her not to
25 answer the question.

1 THE WITNESS: Can I answer it
2 in a very generic term?

3 MS. FUMERTON: If it will not
4 reveal communications with counsel.

5 THE WITNESS: Okay. Then I can
6 answer generically.

7 MR. BOWER: Okay.

8 THE WITNESS: So part of the
9 information that we gather in "know
10 your customer" is patient distance.
11 So the patient -- the distance that a
12 patient is traveling from their home
13 location that we have on file, to the
14 store. And we have that for all
15 prescriptions and then for controlled
16 substances. So having that base
17 number comparison to compare to a drug
18 in question data could be useful as an
19 example.

20 Q. (BY MR. BOWER) Okay. And
21 that's helpful, thank you.

22 Has Walmart -- strike that.

23 Since Walmart has stopped
24 distributing controlled substances, has
25 Walmart ever done an analysis as to how the

1 shifting in that business for McKesson has
2 impacted Walmart pharmacies?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: Can you restate?

5 MR. BOWER: Sure. Has anyone
6 at Walmart gone back and looked at the
7 impact of the pharmacies ordering,
8 that the shift to McKesson has caused?

9 THE WITNESS: So I can't answer
10 if anybody has. I have not.

11 Q. (BY MR. BOWER) Do you know
12 whether Walmart has done that analysis?

13 A. I can't answer that.

14 Q. Do you know whether the
15 decision to move controlled substances to
16 McKesson was another example of Walmart
17 seeking to improve the way it does its
18 business?

19 MS. FUMERTON: Objecting to the
20 form of the question. I'm just
21 asking -- you're interrupting the
22 witness. Let her finish. So she was
23 continuing with her answer. I think
24 we're fine. Let's move on. That was
25 all I was going to say.

1 MR. BOWER: Okay. Sorry about
2 that.

3 THE WITNESS: I don't know.

4 Q. (BY MR. BOWER) Do you know
5 whether Walmart today monitors orders placed
6 by its pharmacies to McKesson?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: We have looked at
9 our orders, of course, that we placed
10 to McKesson. And there have been
11 times that we -- that we review that,
12 yes.

13 Q. (BY MR. BOWER) And for what
14 purpose does Walmart review orders that it
15 places with McKesson?

16 A. If there is a store that meets
17 McKesson's threshold, then that store reaches
18 out to us for help as to why they met their
19 threshold. And so then we review those
20 orders to find out what the problem is.

21 Q. And what happens after you
22 review the orders?

23 MS. FUMERTON: Objection, form.

24 Q. (BY MR. BOWER) Well, strike
25 that.

1 What's the purpose of reviewing
2 the orders?

3 MS. FUMERTON: Objection, form,
4 and asked and answered.

5 THE WITNESS: So we review the
6 order to see if there was a mistake in
7 the order and then potentially request
8 a threshold increase from McKesson.

9 Q. (BY MR. BOWER) Well, let me
10 ask the question, then, because that's a
11 little bit confusing to me.

12 Why would a store reach out to
13 you if they had a mistake in the order?

14 MS. FUMERTON: Objection, form.

15 THE WITNESS: Because they
16 don't realize there was a mistake.

17 Q. (BY MR. BOWER) So they reach
18 out to you, and then who realizes it's a
19 mistake?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: It depends on who
22 is reviewing the order.

23 Q. (BY MR. BOWER) And then what
24 happens if it was a mistake?

25 MS. FUMERTON: Objection, form.

1 MR. BOWER: Let's take a step
2 back, then.

3 Q. (BY MR. BOWER) The store
4 reaches out to you because McKesson has --
5 they trigger a McKesson threshold; right?
6 How does the store realize they've triggered
7 McKesson's threshold?

8 MS. FUMERTON: Objection, form.

9 THE WITNESS: They receive an
10 email.

11 Q. (BY MR. BOWER) At that point
12 they reach out to you?

13 MS. FUMERTON: Objection, form.

14 Q. (BY MR. BOWER) Is that
15 correct?

16 A. It can come from multiple
17 different ways. They might reach out to
18 their market director. But it filters up
19 through to my team.

20 Q. Okay.

21 And then what do you do with
22 that information?

23 A. So the first thing I do is look
24 at the reports that McKesson sends to us, to
25 see what it was that made them go over their

1 threshold.

2 Q. And then what do you do next?

3 A. So it depends. If it's that
4 the store entered 300 bottles, when they
5 meant to order three bottles, then I call the
6 store and I'm like, "Did you intend to order
7 300 bottles?" And they're like, "Well, no."
8 And my response is, "Well that's why you hit
9 your threshold."

10 And Walmart pharmacists are
11 used to thinking in dosage units, so when
12 they order it, they often think, you know, I
13 need 300 tablets, and so they enter in 300
14 and they mean three bottles.

15 And so most often that's the
16 case that happened, is it -- they ordered in
17 dosage units instead of bottles.

18 Q. And in those circumstances, do
19 you rely on the statements by Walmart
20 pharmacists in reaching the conclusion that
21 the order was entered in error?

22 MS. FUMERTON: Objection, form.

23 Q. (BY MR. BOWER) In other words,
24 how do you know that the store didn't intend
25 to order 300 bottles?

1 A. Because there's nowhere to put
2 300 bottles in a pharmacy.

3 Q. How do you know that's not a
4 suspicious order?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: That's why
7 McKesson has a program in place. I
8 mean, they're also -- they have a
9 suspicious order program and so, yes,
10 we trust our pharmacists. Because
11 it's also, you know, logical. But
12 especially when they're calling to
13 complain about it. People that are
14 doing nefarious things don't tend to,
15 like, bring it up.

16 Q. (BY MR. BOWER) So what happens
17 if an order like that is placed and no one
18 calls to complain? What happens to the
19 order?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: It would be
22 omitted by McKesson and then handled
23 on the McKesson side.

24 Q. (BY MR. BOWER) Would any
25 product be shipped to the pharmacy?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: Omitted means not
3 shipped.

4 Q. (BY MR. BOWER) So no -- in
5 that case, there would be -- the order would
6 be cut to 0 and not shipped; is that correct?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: I don't know the
9 term "cut." I know the order is not
10 shipped.

11 So I don't know the -- I don't
12 know their processes in any way,
13 shape, or form. I know that we are
14 notified when things aren't shipped.

15 Q. (BY MR. BOWER) And who
16 notifies you when things are not shipped?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: There's an
19 automatic email that comes to our
20 email distribution.

21 Q. (BY MR. BOWER) And in the
22 scenario that you mentioned before, where an
23 order was placed for 300, if that order was
24 not shipped, would that be -- order be
25 reported to the DEA?

1 MS. FUMERTON: Objection, form.

2 Lack of foundation.

3 THE WITNESS: I don't know

4 McKesson's process.

5 Q. (BY MR. BOWER) Would anyone
6 from Walmart report that order?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: No. The order
9 was placed to McKesson.

10 Q. (BY MR. BOWER) And let's say,
11 for example, I speak to the pharmacist,
12 right, and they state that the order should
13 have been 3 instead of 300. What happens
14 next?

15 A. So that order -- they would not
16 receive that order. They would then proceed
17 to place the correct order that they intended
18 to place.

19 Q. They would have to reorder the
20 item through to McKesson?

21 A. Yes.

22 Q. In other words, place an
23 entirely new order; correct?

24 A. Yes.

25 Q. At that point would you speak

1 with anyone on the McKesson end and inform
2 them that their order was placed in error?

3 A. Not typically, no.

4 Q. Would McKesson ever be informed
5 that the order that they flagged as being
6 over the threshold was placed in error?

7 MS. FUMERTON: Objection, form.
8 Lack of foundation.

9 THE WITNESS: Not that I know
10 of.

11 Q. (BY MR. BOWER) And let's say,
12 for example, an order was flagged by the
13 McKesson threshold when it wasn't placed in
14 error. It was an intentional order. What
15 would happen then?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: So we don't
18 review every order that's flagged.
19 The orders that we do review are ones
20 where the pharmacy or the market
21 director say, "Hey, we have a need for
22 this, and we're not getting -- we've
23 met our threshold." And so in that
24 case, we pull data and look at very
25 similar data points that we looked at

1 during our SOM process, dispensing
2 trends, things like that, and see if
3 it makes sense that they're no longer
4 meeting their threshold, or if it's a
5 timing issue.

6 So this month they -- so last
7 month, two patients came in -- didn't
8 come in that typically come in and
9 they came in in January instead.

10 And so that would shift kind of
11 their numbers around. And so if it's
12 a case like that, then we leave it as
13 is. But if it's a case where, most
14 often a new pharmacy, that the
15 threshold was different, or a case
16 that there's, you know, closing
17 pharmacies around it and so the
18 climate has changed in that area, then
19 we send data to McKesson and request a
20 threshold increase.

21 Q. (BY MR. BOWER) And who sends
22 the data to McKesson?

23 A. I do.

24 Q. Okay. And what data would you
25 send them? What's an example of the type of

1 data you would send?

2 A. So we send the reason that
3 we're -- that we are requesting, and then
4 they have a template of data that they
5 request that we send.

6 Q. Okay. And then in that
7 scenario, once you send the data to McKesson,
8 is there anything else that you do?

9 A. No.

10 Q. Do you receive word from
11 McKesson back as to whether the order has
12 shipped or not?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: When we're having
15 communication, it's not about a
16 specific order. It's about the
17 threshold in general. And so we do
18 receive communication back, whether
19 the threshold was increased or not.

20 Q. (BY MR. BOWER) Just going
21 back, a few more follow-up questions on now
22 back to the time period when Walmart was
23 distributing controlled substances back in
24 late 2015. Okay? In connection with your
25 "know your customer" work?

1 A. (Witness nods.)

2 Q. Other than the data that you
3 mentioned regarding dispensing, what -- any
4 other data that you looked at in connection
5 with the "know your customer" work?

6 A. So when you say "know your
7 customer work," that's a kind of broad --
8 broad statement.

9 Q. Okay.

10 A. And I'm assuming has a
11 different meaning from what I mean. So when
12 I am talking about the "know your customer"
13 data, I'm referring to the data set that I
14 pull out of -- out of Teradata and insert
15 into one portion of our store profile. But
16 the store profile would be included in the
17 "know your customer" information, because it
18 has basic store information and other things
19 about the store.

20 Q. Right. And I'm just asking you
21 today about the process that you described
22 where you pulled data in connection with
23 Walmart's "know your customer" program and
24 imported it into Archer. And whether that
25 program used information other than

1 dispensing data.

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: So the "know your
4 customer" information that I imported
5 into Archer was dispensing
6 information.

7 Q. (BY MR. BOWER) And it was
8 limited to dispensing information; is that
9 correct?

10 A. What was imported into Archer
11 was limited as far as the dispensing piece of
12 "know your customer."

13 So our store profile is -- the
14 complete store profile is our customer
15 information. So it's not limited to
16 dispensing data.

17 Q. Other than dispensing data,
18 what does the store profile include?

19 MS. FUMERTON: Objection, form.
20 And your time period. Are you
21 talking today or back then?

22 Q. (BY MR. BOWER) No, we're still
23 back in --

24 MS. FUMERTON: Okay, I'm sorry.

25 MR. BOWER: -- at least 2015.

1 Sorry about that.

2 THE WITNESS: Okay. So the --
3 late 2015.

4 So the basic store information
5 is there.

6 MR. BOWER: Okay.

7 THE WITNESS: So the DEA
8 number.

9 MR. BOWER: Okay.

10 THE WITNESS: Who the
11 pharmacist in charge is. The refusal
12 to fills that they've had. The other
13 controlled substance loss incidents
14 that they've had. Things like that
15 are all included.

16 Q. (BY MR. BOWER) Okay. Do you
17 consider refusal-to-fill information
18 dispensing information?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: No. It would
21 actually be the lack thereof.

22 MR. BOWER: Okay. Right.

23 And so -- and just -- I know I
24 asked this, but I don't recall what
25 the answer was, so I'm just going to

1 ask it again.

2 Q. (BY MR. BOWER) The
3 refusal-to-fill information is manually
4 populated by the pharmacist; is that correct?

5 A. At the timeframe that we're
6 talking about here?

7 Q. Yes.

8 A. Yes.

9 Q. Okay.

10 A. I did back-populate 2014 data.

11 Q. And how did you go about doing
12 that?

13 A. We had the refusal-to-fill
14 information that had been filled out via web
15 form. And it was imported into Archer.

16 Q. And then at some point, you
17 began creating weekly reports regarding your
18 team's reviews of orders of interest; is that
19 correct?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: Yes.

22 Q. (BY MR. BOWER) And do you
23 recall when you started doing that?

24 A. I do not.

25 MS. FUMERTON: Is this a --

1 could we take a quick break? I mean,
2 like five minutes? It looks like we
3 have about an hour left on the record.
4 So that may be natural.

5 THE VIDEOGRAPHER: 4:17. We
6 are off the video record.

7 (Recess taken, 4:17 p.m. to
8 4:36 p.m.)

9 THE VIDEOGRAPHER: 4:36. We
10 are on the video record.

11 (Walmart-Reed Deposition
12 Exhibit 14, was marked for
13 identification.)

14 Q. (BY MR. BOWER) We are back on
15 the record. Let me just hand you Exhibit 14.
16 It's Bates number ending in 9030. It's just
17 a one-page email, and I just have some
18 general questions on this document.

19 So let me know when you've had
20 a chance to review it, okay?

21 [Document review.]

22 THE WITNESS: Yes.

23 Q. (BY MR. BOWER) Just a couple
24 of questions on this, then.

25 What is -- if you note it there

1 this is from -- in the "From" line, do you
2 know what that refers to?

3 A. So this is an email generated
4 from LeanKit. L-E-A-N-K-I-T, LeanKit.

5 Q. And what is that?

6 A. It's a task management system,
7 I believe is the best way to describe it.

8 Q. Okay. And when did Walmart
9 start using LeanKit?

10 A. Walmart as a whole, I can't
11 speak to.

12 Our team, Miranda and I,
13 started using it early 2016, if I remember
14 correctly.

15 Q. And what does the reference to
16 "Add CS schedule for top three docs" mean?

17 A. So further down, the
18 question -- so this is from Miranda. So
19 Miranda created a card --

20 Q. Okay.

21 A. -- in LeanKit, which is just a
22 task. And the description of the task would
23 be can we add the number of prescriptions for
24 each drug schedule on the "top three doctors"
25 tab. This is in reference to the SOM eval.

1 So the SOM eval spreadsheet that we create.

2 Q. Is that within the Archer
3 database or is that something different?

4 A. No. When -- I know we've
5 talked earlier about kind of the flow of
6 things. When overview came up to practice
7 compliance for review, I pulled data, using
8 Alteryx, out of using Teradata, to pull
9 dispensing data. And that's referring to
10 that spreadsheet that we used for the review.

11 Q. So would you create one of
12 those spreadsheets for each order of interest
13 that your team reviewed?

14 A. Yes. For each order that was
15 elevated to our team to review.

16 Q. Okay. And would you save those
17 spreadsheets anywhere?

18 A. Yes. They would be saved on
19 the server.

20 Q. Were you able to add the number
21 of prescriptions for each drug schedule on
22 the "top three doctors" tab?

23 A. To the best of my recollection,
24 yes.

25 Q. Okay. And where would that

1 information have come from?

2 A. Teradata.

3 Q. At some point did you become
4 involved in pulling information for Buzzeo?

5 MS. FUMERTON: Objection, form.

6 MR. BOWER: Strike that.

7 Q. (BY MR. BOWER) Do you recall
8 receiving a request that had come from Buzzeo
9 for Walmart order information?

10 A. Yes.

11 Q. Okay. What do you recall about
12 that?

13 A. I recall that there was an ask
14 to pull 24 months of order history.

15 Q. And were you able to provide
16 Buzzeo with that information?

17 A. No.

18 Q. And why not?

19 A. Because we did not know -- I
20 did not know where to obtain 24 weeks of
21 order history.

22 Q. Well, did anyone in Walmart
23 know to obtain that information?

24 A. No. The most we could find was
25 eight weeks.

1 Q. Was Buzzeo ever provided with
2 24 weeks of order history from Walmart
3 pharmacies?

4 MS. FUMERTON: Objection to
5 form.

6 THE WITNESS: They were not
7 provided with 24 weeks of order
8 history.

9 Q. (BY MR. BOWER) Do you know
10 whether they were provided any data in lieu
11 of the order history information they
12 requested?

13 A. Yes.

14 Q. What data were they provided?

15 A. They were provided 24 --
16 24 months of shipment history.

17 Q. And do you recall Buzzeo taking
18 the position that it preferred to have order
19 history instead of shipped history?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: I don't recall
22 the specific -- that specific
23 conversation.

24 Q. (BY MR. BOWER) Do you
25 recall -- do you know who Scott Hardy is?

1 A. Yes.

2 Q. Do you recall him telling you
3 that "the quantity ordered is, of course,
4 preferred over the quantity shipped"?

5 A. I don't recall that
6 specifically.

7 (Walmart-Reed Deposition
8 Exhibit 15, was marked for
9 identification.)

10 Q. (BY MR. BOWER) Okay. You've
11 been handed what's been marked as Exhibit 15.
12 I don't really have any other questions than
13 those I've already asked, so I'm just going
14 to ask whether this refreshes your
15 recollection as to whether Mr. Hardy informed
16 you and others at Walmart that "Quantity
17 ordered was preferred over quantity shipped."

18 A. Yes.

19 Q. And just so the record is
20 clear, is it your testimony that this email
21 refreshes your recollection that Buzzeo
22 stated that it preferred to have data
23 regarding quantity ordered instead of the
24 quantity shipped?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: Yes.

2 Q. (BY MR. BOWER) And let's just
3 read it so everyone is on the same page.
4 Okay?

5 Mr. Hardy writes to yourself,
6 Eric Welch, and Miranda Johnson, okay?

7 A. Yes.

8 Q. And he writes, "Okay. Quantity
9 ordered is, of course, preferred. And maybe
10 you supply as much of that data as you can
11 and also include the 24-month quantity
12 shipped." Do you see that?

13 A. Yes.

14 Q. Do you understand that to mean
15 that Buzzco -- in here it's ims -- those are
16 the same; correct?

17 A. Yes.

18 Q. Did you understand him to mean
19 that they preferred to have information
20 regarding the quantity ordered when compared
21 to information regarding quantity shipped?

22 A. Yes.

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: Yes.

25 Q. (BY MR. BOWER) Were you able

1 to provide that information?

2 MS. FUMERTON: Objection, form.

3 Q. (BY MR. BOWER) Strike that.

4 Was Walmart able to provide
5 that information to Buzzeeo in connection with
6 its SOM program?

7 MS. FUMERTON: Objection, form.

8 THE WITNESS: We were not able
9 to provide 24 months or 13 months of
10 historical order data, no.

11 Q. (BY MR. BOWER) How much
12 historical order data were you able to
13 provide?

14 A. Based on my previous email, I
15 said, "We've only been able to identify eight
16 weeks of history." So my assumption would be
17 I sent that eight weeks of history. I don't
18 recall doing so.

19 Q. Do you recall whether, after
20 Walmart tried to look for historical order
21 data and couldn't find it, whether it started
22 to maintain that data?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: I'm not sure.

25 Q. (BY MR. BOWER) Do you know why

1 Walmart wouldn't maintain order data?

2 MS. FUMERTON: Objection, form.

3 THE WITNESS: I do not.

4 Q. (BY MR. BOWER) Who is
5 Aaron Williams?

6 A. Aaron is an analyst that
7 reports to me.

8 Q. What does the "SOM eval macro
9 in Alteryx" refer to?

10 A. It is the module in Alteryx
11 that is actually a macro that we used to
12 create the SOM eval spreadsheets.

13 Q. And what do you mean it's
14 "actually a macro"?

15 For those who aren't so
16 technically inclined?

17 A. So a module is set up to run --
18 run once, and you have to go into each
19 individual tool and make updates for whatever
20 is in question to update.

21 A macro makes it more simple in
22 that it's -- you select pieces that you'll
23 always want to update in the query or in a
24 filter or in a formula, wherever in the
25 module, and the macro is set up to update

1 with the information that you provide it.

2 Q. And this macro in Alteryx,
3 who -- how did Walmart go about selecting the
4 pieces? What does that mean? Of the data?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: What do you mean?

7 Q. (BY MR. BOWER) Well, I'm just
8 trying to understand your answer. You say,
9 "A macro makes it more simple in that you
10 select the pieces that you always want to
11 update in the query." What does that mean?

12 A. Okay. So a query is -- the
13 purpose of a query is to limit data down to
14 what you want to look at. So it's pulling
15 from big data sources to get the data that
16 you want to look at.

17 So, for instance, for SOM, we
18 would limit by store number, by GPI, and by
19 date range.

20 And in the regular module,
21 anytime we wanted to pull for a different
22 store, or a different drug, or a different
23 timeframe, we would have to go into that tool
24 and make those updates.

25 So you'd have to open up the

1 module, wait for it to load, wait for the
2 connection, make those changes and then run
3 it.

4 A macro is set up where I say,
5 store number, I want to be able to update
6 that to whatever I enter into either a
7 spreadsheet, into a little form that I
8 create.

9 And then GPI, I want to be able
10 to update that with the information that I
11 provide.

12 And then it runs. You enter
13 the data, the store number, the GPI, the date
14 range into -- depending on the timeframe, you
15 would enter it into a form in Alteryx, or in
16 a spreadsheet that would then run the data
17 and spit out the spreadsheets that we -- that
18 we needed to look at.

19 Q. And what do you mean when you
20 say "A spreadsheet would run the data"? How
21 does that happen?

22 A. So that's called a batch macro.

23 And you can have a spreadsheet
24 that has a list of store numbers, a list of
25 GPI numbers, and it would run the first one.

1 It would update the store and the GPI, run it
2 all the way through the macro -- or the
3 module, and spit out the answer. Then it
4 would automatically go to the next one on the
5 list. Run it all the way through the process
6 and spit out the answer.

7 And so it goes all the way
8 through the spreadsheet instead of a person
9 having to enter in one combination and let it
10 run, enter in another combination and let it
11 run. It automates the process slightly.

12 Q. And is that batch macro in
13 addition to the Alteryx that you described
14 previously or is that part of the same
15 process?

16 A. It's a type of Alteryx.

17 Q. Okay.

18 So that's also within Alteryx;
19 is that correct?

20 A. Yes.

21 Q. And Alteryx, during this time
22 period that you were using it for SOM, was
23 pulling -- still pulling data from Teradata;
24 is that correct?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: Yes.

2 Q. (BY MR. BOWER) Are there any
3 other sources of data that it was pulling
4 from?

5 MS. FUMERTON: Objection, form.

6 Q. (BY MR. BOWER) At any time did
7 the Alteryx macro pull data from any other
8 source other than Teradata?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: There -- during
11 the Buzzeeo period there were also some
12 spreadsheets that it attached to.

13 Q. (BY MR. BOWER) Do you recall
14 what information or data was on those
15 spreadsheets?

16 A. It was the list of active
17 ingredients and the GPI drug class code.
18 Because --

19 Q. Did -- I didn't mean to cut you
20 off. Please finish.

21 A. Because the drug class code
22 which is a portion of the GPI, when we used
23 Buzzeeo, that was used to pull the data.

24 Q. And did that information --
25 strike that.

1 Was that information added to
2 the Alteryx macro at the same time that
3 Walmart began using Buzzeo for its SOM
4 program?

5 MS. FUMERTON: Objection, form.

6 THE WITNESS: There are two
7 different Alteryx modules. So there's
8 the one we used for the Reddwerks
9 period, and then there is a completely
10 different one that we used for the
11 Buzzeo period.

12 MR. BOWER: Okay. Thank you.

13 Q. (BY MR. BOWER) When the SOM
14 program was moved over to Buzzeo, did that
15 change the process for which Walmart reviewed
16 an order of interest?

17 MS. FUMERTON: Objection, form.

18 THE WITNESS: Yes.

19 Q. (BY MR. BOWER) And how did
20 that process change at that time?

21 A. The logistics team was no
22 longer involved in the reviewing of orders.
23 So --

24 Q. Sorry, go ahead and finish.

25 A. So our analysts reviewed the

1 orders.

2 Q. What do you mean by "our
3 analysts"?

4 A. The temporary analysts that we
5 had on the practice compliance controlled
6 substances team.

7 Q. Do you know why that change was
8 made?

9 A. I do not.

10 Q. Do you know who would know the
11 answer to that question?

12 A. Leadership and practice
13 compliance and logistics.

14 Q. And who was that at that time?

15 A. Miranda Johnson and
16 George Chapman on our side and Debbie Hodges
17 on the logistics side.

18 Q. Other than that change where
19 the logistics team was no longer involved in
20 reviewing orders of interest, were there any
21 other changes made in the way that Walmart
22 was reviewing orders of interest that reflect
23 like Buzzeeo?

24 MS. FUMERTON: Objection, form.

25 THE WITNESS: Yes. We -- so

1 our controlled substances analysts
2 started reviewing the data. We -- the
3 alerts, and then the data that we
4 created because of that.

5 The next level of review was at
6 a senior manager level, and that would
7 have been myself, and then we had
8 three pharmacists that were involved
9 in that on a temporary basis.

10 And depending on the level, a
11 director would also review before a
12 final decision was made.

13 Q. (BY MR. BOWER) And what do you
14 mean when you say "three pharmacists"? Can
15 you just explain what that means?

16 A. So we had temporary assignments
17 for three pharmacists -- or four pharmacists.
18 Four. Three of them came from our mail order
19 facility in Dallas. Two worked with us full
20 time. One of them was kind of a part-time,
21 as-needed basis.

22 And then the other pharmacist
23 was a local pharmacist that came up to the
24 Walmart home office to work with us.

25 Q. So did these four pharmacists

1 physically relocate to the home office in
2 connection with this assignment?

3 A. No.

4 Q. Okay. Can you just explain,
5 then, generally how that would work?

6 A. So one pharmacist relocated to
7 the home office. The other three were
8 located in their facility in Dallas.

9 And since it was a web-based
10 system between Archer and Buzzeo, you didn't
11 have to be at the home office.

12 Q. And this is -- the pharmacists
13 weren't brought in until the change was made
14 to Buzzeo; is that right?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: Yes.

17 Q. (BY MR. BOWER) Okay. Was that
18 at the same time that Buzzeo took over or was
19 it after -- a period of time after Buzzeo
20 took over?

21 A. It was slightly --

22 MS. FUMERTON: Objection,
23 form -- give me a chance to object.

24 THE WITNESS: Oh, sorry.

25 MS. FUMERTON: Object to form.

1 Go ahead.

2 THE WITNESS: It was slightly
3 before to account for training.

4 Q. (BY MR. BOWER) And who
5 provided the training for the pharmacists?

6 A. Myself and Miranda.

7 Q. And what did that training
8 entail?

9 A. From what I recollect, we
10 trained them on the -- the Archer system, the
11 Buzzeo system, why we were doing what we were
12 doing and exactly what we would be doing.

13 Q. And what was the training with
14 respect to why you were doing what you were
15 doing?

16 A. I don't recall specifically.
17 It was, you know, we're complying with SOM
18 regulations. This is a new, enhanced
19 program, Buzzeo program, not compliance
20 program. And so ...

21 Q. I don't want to cut you off.

22 A. No, I don't know what else I
23 was going to say.

24 Q. Okay.

25 Would you agree that the

1 Buzzeo -- strike that.

2 Would you agree that the Buzzeo
3 method for identifying orders of interest was
4 more robust than the method used at
5 Reddwerks?

6 MS. FUMERTON: Objection, form.

7 THE WITNESS: I'm not sure I
8 would use the term "robust." I would
9 say it was more dynamic.

10 Q. (BY MR. BOWER) And what do you
11 mean by "dynamic"?

12 A. Because it changed. As orders
13 changed, it was a 30-day kind of roll -- it
14 looked at a 30-day rolling information. So
15 it was more dynamic. Changing more often.

16 Q. Do you understand that Walmart,
17 when it was distributing controlled II
18 substances, had an obligation to monitor for
19 suspicious orders?

20 MS. FUMERTON: Objection, form.

21 THE WITNESS: So I understand
22 that there was a suspicious order
23 monitoring requirement for
24 distributing entities, yes.

25 Q. (BY MR. BOWER) And you

1 understand that that was a legal requirement;
2 correct?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: Yes.

5 Q. (BY MR. BOWER) And do you
6 understand, as you sit here today, that
7 Walmart had an obligation, when it
8 distributed controlled substances, to review
9 orders for unusual size?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: Yes.

12 Q. (BY MR. BOWER) Did you
13 understand, back in 2017, that Walmart had an
14 obligation to review orders for unusual
15 pattern?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: Yes.

18 Q. (BY MR. BOWER) How did the
19 Reddwerks platform review orders that may
20 have been an unusual pattern?

21 MS. FUMERTON: Objection, form.

22 THE WITNESS: I don't know the
23 exact answer to that.

24 Q. (BY MR. BOWER) And did you
25 understand back in 2007 that Walmart had an

1 obligation to review orders for unusual
2 frequency?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: 2007, no.

5 Q. (BY MR. BOWER) You don't
6 believe Walmart had that obligation in 2007?

7 A. No, in 2007, I don't know that
8 I understood that.

9 Q. Okay. When did you first
10 understand that Walmart had a legal
11 obligation to review orders for Schedule II
12 products?

13 MS. FUMERTON: Objection, form.

14 THE WITNESS: So I don't know
15 that I was aware of our policy or the
16 statute, law, whatever it is that
17 dictates that until I started working
18 with the program, helping out in 2014.

19 Q. (BY MR. BOWER) And did you
20 understand in 2017 that Walmart had an
21 obligation to review orders that may have
22 represented an unusual pattern?

23 MS. FUMERTON: Objection.

24 Form.

25 THE WITNESS: Yes.

1 Q. (BY MR. BOWER) And how did
2 Reddwerks go about doing that?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: I don't know.

5 (Walmart-Reed Deposition
6 Exhibit 16, was marked for
7 identification.)

8 MR. MILLER: Can we get a Bates
9 number on Exhibit 15? I don't think
10 that was established.

11 MR. BOWER: Sure. It's 7071
12 through 7072.

13 MR. MILLER: That's 16.

14 MR. BOWER: Sorry, yeah, we're
15 on 16. Did I say 17?

16 MR. MILLER: No, he asked about
17 15, I think.

18 THE WITNESS: You put 17 on
19 here.

20 MS. FUMERTON: All right. Can
21 we -- because I have the last one
22 before that as 15.

23 MR. BOWER: Why don't we go off
24 the record just for a moment just to
25 clear that up.

1 THE VIDEOGRAPHER: Stand by.

2 5:01. We are off the video record.

3 (Recess taken, 5:01 p.m. to

4 5:02 p.m.)

5 THE VIDEOGRAPHER: 5:02. We

6 are on the video record.

7 Q. (BY MR. BOWER) We are back on
8 the record now and let me clear up my
9 mistake. Exhibit 15 is ending in Bates
10 No. 4624 and 46 for -- to 4626. And then
11 Exhibit 16 is 7071 and 7072.

12 MS. FUMERTON: Okay. And I
13 don't think you've had a chance to
14 review yet, so why don't you go ahead
15 and review the document.

16 [Document review.]

17 THE WITNESS: Okay.

18 Q. (BY MR. BOWER) So this is --
19 who is the person sending this email? Who is
20 the "From" in that email at the top there?

21 A. So we always just call them
22 Monique.

23 Q. Okay. And he is at -- is he at
24 ims, or Buzzeeo?

25 A. Yes.

1 Q. And he refers -- and Miranda's
2 email below refers to a score.

3 Do you see that?

4 A. Yes.

5 Q. And what does that mean? What
6 does a score refer to?

7 MS. FUMERTON: Objection, form.

8 MR. BOWER: Well, strike that.

9 Q. (BY MR. BOWER) Do you know
10 what "the score" refers to?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: Yes. That's the
13 algorithm score.

14 Q. (BY MR. BOWER) And what does
15 an algorithm score reflect?

16 MS. FUMERTON: Objection, form.

17 Q. (BY MR. BOWER) For example,
18 here, we're seeing -- she notes on her email
19 to -- cc'ing herself, some folks at ims and
20 some other folks at Walmart, that "seeing
21 some scores of minus 22."

22 Do you see that?

23 A. Yes.

24 Q. Do you know what that means?

25 A. Based on this email, Monique

1 explains what those scores are.

2 Q. And he states, "That particular
3 store is an internal representation"; right?
4 "And should not be shown on UI"?

5 A. Yes.

6 Q. What is "UI"?

7 MS. FUMERTON: Let him finish
8 his question.

9 THE WITNESS: Sorry.

10 MS. FUMERTON: Go ahead. I was
11 going to object, but just go on.

12 THE WITNESS: UI is user
13 interface.

14 Q. (BY MR. BOWER) And do you know
15 why he's saying those should not be shown on
16 a user interface?

17 A. I do not.

18 Q. And do you know this little
19 screenshot here, whatever you would call it,
20 do you know, is that from the Buzzeo
21 platform?

22 A. Yes.

23 Q. Other than the columns here,
24 does it have any other columns that you are
25 aware of?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: Not that I

3 recall.

4 Q. (BY MR. BOWER) Have you ever
5 heard of the term "augmented orders"?

6 A. Yes.

7 Q. And what is an augmented order?

8 A. An augmented order is a system
9 order that is placed outside of the projected
10 order.

11 Q. And what do you mean by
12 "projected order"?

13 A. So our replenishment system
14 sets up their projections of what should be
15 ordered. And if the store sells more than
16 they projected for that day or sells a
17 different amount in some way, then the
18 replenishment system would augment the
19 projected system order.

20 Q. What about the term "stress
21 bars" in connection with SOM?

22 A. So with Buzzeo, in Buzzeo, an
23 individual order would have stress bars, so
24 bars that indicate green, yellow, red, based
25 on some different criteria.

1 Q. Are those bars order-specific?
2 Item-specific? Or something else?

3 MS. FUMERTON: Objection, form.

4 THE WITNESS: Those bars are
5 comparing an order of an active
6 ingredient to multiple different
7 things.

8 Q. (BY MR. BOWER) Okay. If we
9 wanted to understand what those multiple
10 different things that it was looking at were,
11 where would we go?

12 MS. FUMERTON: Objection, form.

13 THE WITNESS: So Buzzeeo itself
14 would have what those stress bars are.
15 I can't remember everything off the
16 top of my head, but there are -- there
17 were -- there was at least one
18 document I know of that had what the
19 different stress bars were.

20 MR. BOWER: Okay.

21 Q. (BY MR. BOWER) And did you
22 have -- in the time that Buzzeeo was active,
23 did you have access to information that would
24 inform you what or how those stress bars were
25 calculated?

1 MS. FUMERTON: Objection, form.

2 THE WITNESS: I don't recall
3 seeing anything with the specific
4 math.

5 Q. (BY MR. BOWER) And do you
6 recall a document that explained what the
7 stress bars meant; is that correct?

8 A. Yes.

9 Q. Do you recall anything else
10 about that document?

11 A. I do not.

12 Q. At some point did you begin
13 reporting orders of interest to the DEA?

14 A. Yes.

15 Q. And whose decision was it to --
16 strike that.

17 Do you know why you began
18 reporting orders of interest to the DEA?

19 A. It was after the Masters
20 decision.

21 Q. And what is the Masters
22 decision you're referring to?

23 A. It was a court case involving
24 Masters, and it was related to SOM.

25 Q. How did you learn about the

1 Masters decision?

2 MS. FUMERTON: If it was
3 with -- communications with counsel,
4 you can say that.

5 If your concern is about some
6 other privileged conversation, we can
7 talk.

8 THE WITNESS: No, I don't think
9 so.

10 It was initially communication
11 from Miranda.

12 Q. (BY MR. BOWER) Do you recall
13 approximately when that communication took
14 place?

15 A. I do not. I know it happened
16 in 2017, but I don't remember.

17 Q. And it's your understanding
18 that the reason that you began reporting
19 orders of interest to the DEA was as a result
20 of Masters; is that correct?

21 A. Yes.

22 Q. Was it your understanding that
23 Masters had reflected some change in the
24 legal requirements for Walmart?

25 MS. FUMERTON: To the extent

1 you can answer that question without
2 revealing communications with counsel,
3 you can answer. Otherwise, I instruct
4 you not to answer.

5 THE WITNESS: My understanding
6 was that it changed some
7 interpretations of that requirement.

8 Q. (BY MR. BOWER) Did it change
9 Walmart's interpretation of that requirement?

10 MS. FUMERTON: Well, I object
11 to the form of the question. I also
12 instruct you not to answer that
13 question to the extent the answer
14 would reveal communications with
15 counsel.

16 THE WITNESS: So I sent the
17 email, the fax that went to the DEA
18 that specified why we were changing
19 what we did. And I do know that that
20 document said that, pursuant to
21 Masters, we changed the
22 interpretation.

23 Q. (BY MR. BOWER) And who drafted
24 that document?

25 A. Miranda's name is on the

1 document.

2 Q. Who drafted the document?

3 MS. FUMERTON: Objection, form.

4 Answer to your knowledge.

5 THE WITNESS: My understanding
6 is Miranda drafted it, and I'm sure
7 counsel was involved with the drafting
8 of that.

9 Q. (BY MR. BOWER) Were you
10 involved in the drafting of it?

11 A. No.

12 Q. Did Miranda provide you with a
13 final version of that document to send to the
14 DEA?

15 A. Yes.

16 (Walmart-Reed Deposition
17 Exhibit 17, was marked for
18 identification.)

19 Q. (BY MR. BOWER) Let me hand you
20 Exhibit 17.

21 And for those on the phone,
22 this is 3598 and 3599.

23 Just take a moment and review
24 this document.

25 And my first question is going

1 to be why you were meeting with folks
2 at Deloitte regarding controlled
3 substances.

4 A. Okay.

5 Q. What did you -- why did you
6 meet with the folks at Deloitte regarding
7 controlled substances?

8 MS. FUMERTON: Objection, form.

9 MR. BOWER: Strike that.

10 Q. (BY MR. BOWER) Did you meet
11 with anyone at Deloitte regarding controlled
12 substances?

13 A. Yes. We did meet with somebody
14 from Deloitte.

15 Q. And why did you meet with them?

16 A. They were given our contact
17 information. They were working on some
18 other -- working with other parts of health
19 and wellness compliance, and they were given
20 our contact information to see if there was
21 anything that Deloitte could provide.

22 Q. And what sorts of things were
23 they offering to provide?

24 A. Based on this email and what I
25 recall of the conversation is one of the

1 gentlemen was from the DEA in a past life,
2 and they were just looking at analytics and
3 automation of things and all in all, from
4 what I can tell, just advice in general.

5 Q. Did they show you a video? Do
6 you see where it says, "I've attached a
7 simple set of slides with some screen prints
8 from the dashboard and automation video we
9 showed"?

10 A. I don't remember the exact --
11 the exact presentation.

12 Q. But this email certainly
13 purports to suggest that they are sending
14 this presentation to you after the meeting;
15 right?

16 MS. FUMERTON: Objection, form.

17 THE WITNESS: Yes.

18 Q. (BY MR. BOWER) Do you recall
19 what the presentation was about?

20 A. It was -- it was automation.
21 So as Jamie states, they were working with
22 another client in the DEA 222 space about
23 automation. And so they were -- they were
24 trying to sell their services.

25 Q. You traveled to North Carolina

1 to meet with them?

2 A. No.

3 Q. Where did you meet with them?

4 A. At the home office.

5 Q. Miranda was based in

6 North Carolina at the time?

7 A. Yes.

8 Q. Did they travel to Bentonville
9 to meet with you?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: My understanding
12 was they were already in Northwest
13 Arkansas, that they were based in
14 Northwest Arkansas.

15 Q. (BY MR. BOWER) How did they
16 arrange a meeting with you?

17 A. I don't recall. I think they
18 worked through -- it was either Miranda or
19 Jamie. I was not -- I attended the meeting.

20 Q. Well, this is December of 2017;
21 right?

22 A. Yes.

23 Q. A few months before you signed
24 the agreement with Walmart not to discuss
25 controlled II substances?

1 MS. FUMERTON: Objection, form,
2 misstates the prior testimony.

3 THE WITNESS: It wasn't
4 discussing controlled substances.
5 Nothing was signed that I couldn't
6 discuss controlled substances. That
7 was my job.

8 Q. (BY MR. BOWER) Right. But
9 this was approximately two to three months
10 before you signed that NDC with Walmart;
11 right?

12 MS. FUMERTON: Objection, form.
13 Misstates testimony and lack of
14 foundation.

15 Q. (BY MR. BOWER) Didn't you --

16 MR. BOWER: I'll strike that.

17 Q. (BY MR. BOWER) When did you
18 sign the NDC with Walmart?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: The NDA?

21 Q. (BY MR. BOWER) Yeah. The NDA.

22 A. It was in early 2018.

23 Q. And this is -- this meeting
24 occurred in December 2018; right?

25 A. Yes.

1 Q. A couple of months after you
2 signed the NDA; right?

3 MS. FUMERTON: Objection, form.
4 Misstates testimony.

5 THE WITNESS: No, before. I
6 signed it in 2018.

7 Q. (BY MR. BOWER) This meeting
8 occurred a couple of months before you signed
9 the NDA; correct?

10 A. Yes.

11 Q. And this meeting was about
12 Walmart's controlled substances monitoring
13 program; right?

14 MS. FUMERTON: Objection, form,
15 lacks foundation and misstates prior
16 testimony.

17 THE WITNESS: This was a
18 meeting for them trying to sell
19 services to us. It wasn't about what
20 we were currently doing.

21 Q. (BY MR. BOWER) And they were
22 trying to sell services related to suspicious
23 order monitoring; correct?

24 A. That was included.

25 Q. And they were trying to sell

1 Walmart services because Walmart's program at
2 that time wasn't meeting its legal
3 obligations; right?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: That is not
6 correct?

7 Q. (BY MR. BOWER) And, in fact,
8 they attach a link to a 60 Minutes report on
9 opioid investigations; right?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: Yes, that is what
12 that link appears to be.

13 Q. (BY MR. BOWER) And it appears
14 that this story on 60 Minutes was going to
15 focus on McKesson; right?

16 MS. FUMERTON: Objection, form,
17 lack of foundation.

18 Q. (BY MR. BOWER) Do you see the
19 reference there, "This one focuses on
20 McKesson"?

21 A. That's what the email says,
22 yes.

23 Q. Did you at the meeting discuss
24 other reporting on other distributors for
25 controlled substances?

1 MS. FUMERTON: Objection, form,
2 lack of foundation.

3 THE WITNESS: I do not recall
4 any other reporting by other people.

5 Q. (BY MR. BOWER) And
6 approximately two months after the folks at
7 Deloitte refer you folks at Walmart about
8 this McKesson report, Walmart decides to use
9 McKesson for its distribution of controlled
10 substances; correct?

11 MS. FUMERTON: Objection, form.
12 Lack of foundation.

13 THE WITNESS: So, yes, we were
14 notified, and yes, that decision was
15 made.

16 (Walmart-Reed Deposition
17 Exhibit 18, was marked for
18 identification.)

19 Q. (BY MR. BOWER) Okay. You've
20 been handed what has been marked as
21 Exhibit 18. This is Walmart Document 7350
22 through 7354. It's an email chain with
23 yourself, Jamie Newell, and Chad Corbin.
24 Please take a moment and review that, and I
25 have some questions on this.

1 [Document review.]

2 Q. (BY MR. BOWER) Have you had a
3 chance to review the document?

4 A. Yes.

5 Q. What is being discussed in this
6 document?

7 Sorry, let me ask a better
8 question than that.

9 What does the reference to "SOM
10 talking points" and "FAQs updated" refer to?

11 A. So on our intranet, we had a
12 section that related to talking points and
13 FAQs for the SOM process.

14 Q. And this was an attempt to
15 update those FAQs; is that right?

16 A. Yes.

17 Q. And part of that was, if you
18 note Jamie's email there on the first page
19 from -- to yourself and Chad, on Friday,
20 January 5th. She writes, "Yes, they should."
21 They are all -- "They all should be. We are
22 going to help change the practices of our
23 profession and our company with our continued
24 focus on this topic."

25 Do you see that?

1 A. Yes.

2 Q. Did you agree that there needed
3 to be change regarding this topic?

4 MS. FUMERTON: Objection, form.
5 Misstates the document -- and
6 misstates the document.

7 THE WITNESS: So I think this
8 goes back to the continuous
9 improvement. You know, improving
10 the -- what this is referring to is
11 the pharmacist's knowledge of data
12 points that we mention on page 2 and
13 improving their knowledge of that data
14 at their locations.

15 Q. (BY MR. BOWER) And Jamie
16 writes, "We are going to help change the
17 practice of the profession in our company
18 with our continued focus on this topic";
19 right?

20 A. Yes.

21 Q. That was why, one of the
22 reasons why you were doing this; right? To
23 "help change the practice of the profession
24 in our company"?

25 MS. FUMERTON: Objection, form.

1 THE WITNESS: The reason we
2 were updating FAQs is to make sure
3 everybody understood. That was
4 Jamie's comment and his feeling on how
5 that -- what we were focusing on, the
6 effect it was going to have.

7 Q. (BY MR. BOWER) And indeed,
8 Walmart's been -- even going back to your --
9 starting with your work in SOM in 2005,
10 Walmart's been continuously trying to improve
11 its SOM program; right?

12 MS. FUMERTON: Objection, form.
13 Lack of foundation.

14 THE WITNESS: I wasn't even
15 with the company in 2005.

16 Q. (BY MR. BOWER) Would you agree
17 that at least since 2015, Walmart has been
18 endeavoring to improve its SOM program?

19 A. We have continually worked to
20 make process improvements, yes.

21 Q. Do you disagree that Walmart
22 has been working to improve its SOM program
23 since you began working with that program in
24 2015?

25 MS. FUMERTON: Objection, form.

1 Asked and answered.

2 THE WITNESS: No, I don't
3 disagree that we've been working to
4 make continual improvements.

5 Q. (BY MR. BOWER) And indeed,
6 those work on improvements were continuing
7 even into early 2018; correct?

8 A. Yes.

9 Q. But shortly hereafter, Walmart
10 gets out of the business; right?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: We get out of the
13 business of distributing controlled
14 substances, yes.

15 Q. (BY MR. BOWER) Right. You get
16 out of the business that you've been trying
17 to improve for at least the past four years;
18 correct?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: Yes.

21 Q. (BY MR. BOWER) And one of the
22 things discussed here, right, is Jamie's
23 concern and certainly Chad's concerns that
24 folks started talking about on order --
25 delays that were being caused by order

1 review; right?

2 A. Yes.

3 Q. And why was that a concern?

4 A. Nobody wanted to cause any more
5 of a delay than was needed to do our job
6 properly.

7 Q. In other words, you wanted to
8 move the orders of interest as quickly as
9 possible; correct?

10 MS. FUMERTON: Objection, form.

11 THE WITNESS: No.

12 MS. FUMERTON: Misstates
13 testimony.

14 THE WITNESS: No. Not
15 necessarily. We wanted to be sure
16 that we did a thorough, correct job,
17 but also meet legitimate customer need
18 as well.

19 Q. (BY MR. BOWER) And Jamie's
20 writing, if you look at the email that Jamie
21 writes on, for example, the bottom of page
22 ending in 7352.

23 Do you see that?

24 Jamie to -- on Friday,
25 January 5th, 2018 at 10:51 a.m.

1 Do you see that?

2 A. Yes.

3 Q. Jamie is writing, "Can we use
4 data to help us tell the story of what number
5 percentage of orders have been delayed and
6 rejected because of our work?"

7 Do you see that?

8 A. Yes.

9 Q. Did Walmart ever use data to
10 help tell that story?

11 MS. FUMERTON: Objection, form.

12 THE WITNESS: We did look at
13 data to look and see the number of
14 orders that were being delayed.

15 Q. (BY MR. BOWER) And who looked
16 at that data?

17 A. Myself.

18 Q. And what did you find?

19 MS. FUMERTON: Objection, form.

20 THE WITNESS: I don't remember
21 specifically. I do remember that
22 there -- there were delays, nothing
23 significant, when you look at the
24 grand scheme of how many orders
25 Walmart filled on a daily, weekly

1 basis.

2 (Walmart-Reed Deposition
3 Exhibit 19, was marked for
4 identification.)

5 Q. (BY MR. BOWER) Hand you what's
6 been marked as Exhibit 19. It's just a
7 one-page email on a conversation with
8 yourself and Ms. Johnson, Bates No. 8865 and
9 8866.

10 [Document review.]

11 THE WITNESS: Okay.

12 Q. (BY MR. BOWER) Did someone
13 from the U.S. Department of Justice contact
14 you or Ms. Johnson in January 2018?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: It was somebody
17 from the DEA.

18 Q. (BY MR. BOWER) Okay.
19 Contacted you or Ms. Johnson?

20 A. So they initially contacted me,
21 and I forwarded them on to Ms. Johnson.

22 Q. Okay. I was just confused
23 about how that worked.

24 A. Yes.

25 Q. Thank you for that. And you

1 write to Ms. Johnson, "Well, here's contact.

2 Keep me posted!" Right?

3 MS. FUMERTON: Objection, form.

4 I withdraw my objection.

5 THE WITNESS: Yes.

6 Q. (BY MR. BOWER) And what did
7 you mean by "Here's contact"?

8 A. So when we sent the initial
9 email, or fax, in 2017, we were curious as to
10 what response, if any, we would receive from
11 the DEA to the change from our reporting.

12 Q. And what response did you
13 receive?

14 A. This is the only contact we
15 received.

16 Q. And did Ms. Johnson keep you
17 posted?

18 A. I actually do not recall what
19 came of this conversation.

20 Q. Well, what came of this
21 conversation is Walmart gets out of the
22 business; right?

23 MS. FUMERTON: Objection, form.

24 Lack of foundation.

25 THE WITNESS: Yeah, I don't

1 know the -- I am definitely not making
2 that correlation between this.

3 Q. (BY MR. BOWER) Well, let's
4 just talk about the facts; right?

5 This is in January 19, 2018;
6 right?

7 A. Yes.

8 Q. So when the DEA contacts
9 Walmart regarding suspicious order reports;
10 right?

11 A. Yes.

12 Q. Walmart gets out of the
13 business of distributing controlled
14 substances soon thereafter; correct?

15 MS. FUMERTON: Objection, form.

16 THE WITNESS: Yes, but that was
17 definitely a much longer project.

18 Q. (BY MR. BOWER) And how do you
19 know that?

20 A. I've testified that I signed an
21 NDA in early 2018, and that would have been
22 in the process before. I definitely wasn't
23 brought in at the grand -- at the opening of
24 such a discussion, at my level, and it was a
25 big shift, and so it took work to get done.

1 Q. And who -- do you have any
2 information as to who did that work to get it
3 done?

4 MS. FUMERTON: Objection, form.

5 THE WITNESS: There was a lot
6 of different teams that were involved.

7 Q. (BY MR. BOWER) And who was
8 involved?

9 A. Replenishment. Our team was
10 involved. And I'm sure there were other
11 teams. I know for sure replenishment and our
12 team were involved.

13 Q. And what specifically are you
14 referring to now when you say "involved"?
15 Involved in what?

16 A. Involved in the switch, like in
17 paperwork.

18 Q. Okay. And my question more is
19 focused on the process to make the change.
20 Okay?

21 Was your team involved in the
22 decision to make the change?

23 MS. FUMERTON: Objection, form.

24 THE WITNESS: Absolutely not.

25 Q. (BY MR. BOWER) Who was

1 involved in that decision?

2 MS. FUMERTON: Objection, form.
3 Lack of foundation.

4 MR. BOWER: Do you know --
5 strike that.

6 Q. (BY MR. BOWER) Do you know who
7 was involved in Walmart's decision to change
8 the distribution of controlled substances to
9 McKesson?

10 A. I am not.

11 Q. (BY MR. BOWER) Do you know who
12 would know the answer to that question?

13 A. I do not.

14 MS. FUMERTON: And, Zach, you
15 have just three minutes left on the
16 record.

17 MR. BOWER: How much time do we
18 have left?

19 THE VIDEOGRAPHER: More like
20 six.

21 MS. FUMERTON: I stand
22 corrected.

23 MR. BOWER: So let me just
24 finish up this email, and then we'll
25 take a quick break and I'll finish up.

1 MS. FUMERTON: Okay.

2 Q. (BY MR. BOWER) So just at the
3 top of this email, you write to Ms. Johnson,
4 "In the SOM folder there is a folder
5 DEA/state reports."

6 Do you see that?

7 A. Yes.

8 Q. What does that refer to?

9 A. That is where the different
10 reports that were sent out would be stored.

11 MR. BOWER: Okay. Thank you.
12 Why don't we just take a quick break.

13 MS. FUMERTON: Okay.

14 MR. BOWER: We can keep it
15 quick.

16 THE VIDEOGRAPHER: 5:34. We
17 are off the video record.

18 (Recess taken, 5:34 p.m. to
19 5:42 p.m.)

20 THE VIDEOGRAPHER: 5:42. We
21 are on the video record.

22 (Walmart-Reed Deposition
23 Exhibit 20, was marked for
24 identification.)

25 Q. (BY MR. BOWER) We are back on

1 the record. I just have two quick --
2 hopefully -- documents I'm going to show you.
3 I'm going to give them to you one at a time
4 so we can hopefully move quickly through
5 them. Exhibit 20. Bates No. 28865 through
6 66.

7 And my only question on this
8 document -- or the only thing I want to
9 discuss on this document is a reference to
10 Kristy's email to you regarding SOM audits
11 from 6045.

12 On the bottom of that page, the
13 first part of the email from Kristy to
14 yourself and Miranda Johnson. "Roxy/Miranda,
15 As we've been working on SOM audits from
16 6045?"

17 Do you see that?

18 A. Yes.

19 Q. Do you know what that refers
20 to?

21 A. I do not.

22 Q. We'd have to ask Kristy that?

23 A. Yes.

24 Q. Okay.

25 (Walmart-Reed Deposition

1 Exhibit 21, was marked for
2 identification.)

3 Q. (BY MR. BOWER) The next
4 document is marked Exhibit 21. Bates
5 No. 46437.

6 Oh, sorry. That's not the
7 first page. The first page is 46435 through
8 46441, and then my questions are on
9 page 46437, and they relate to your
10 nomination on -- for a quarterly impact
11 award.

12 Do you see that, on page 3
13 there of the document?

14 "Nominee, Roxy Reed, Senior
15 Analyst, Health and Wellness Compliance
16 Controlled Substances."

17 Do you see that?

18 A. Yes.

19 Q. Do you recall being nominated?

20 A. I do not.

21 Q. Do you recall developing a
22 process for analyzing data that would
23 identify appropriate dispensing as reflected
24 here?

25 MS. FUMERTON: Objection, form,

1 and this is now getting back into a
2 much longer topic. She hasn't said
3 this is going to refresh her
4 recollection.

5 I mean, if there's a way to do
6 that shortly, but ...

7 Answer the question.

8 THE WITNESS: No, I'd have to
9 read this a little bit more to -- and
10 I'm not sure this would give me the
11 information I need to refresh my
12 recollection.

13 Q. (BY MR. BOWER) Okay. Well,
14 what about the -- at the bottom of the page,
15 where it says, "She has been instrumental in
16 helping us meet our board of directors'
17 objectives related to suspicious order
18 monitoring this year."

19 Do you see that?

20 A. I do.

21 Q. Do you know what that refers
22 to?

23 A. I do not.

24 Q. You don't know what the "board
25 of directors' objectives" refers to?

1 A. I know that the board of
2 director has objectives. I don't know what
3 the specific one was regarding suspicious
4 order monitoring.

5 Q. (BY MR. BOWER) Do you have any
6 reason to disagree that they had an objective
7 related to suspicious order monitoring for
8 this year?

9 MS. FUMERTON: Objection, form.

10 THE WITNESS: Based on this,
11 I'm assuming yes, there was a board of
12 director objective.

13 Q. (BY MR. BOWER) And you would
14 assume that this document would be accurate;
15 right?

16 MS. FUMERTON: Objection, form.

17 And I'll actually object that
18 apparently there's a cover email that
19 was produced with this that's missing
20 that would have given more context.

21 So I object to the exhibit in
22 its entirety.

23 MR. BOWER: You can object to
24 it.

25 Q. (BY MR. BOWER) The question

1 is, do you have any reason to doubt the
2 veracity of this statement in this document?

3 MS. FUMERTON: Objection, form.
4 She's testified that she has no
5 knowledge of it.

6 THE WITNESS: I don't even know
7 who put in the recommendation, so I --
8 I wouldn't know their level of
9 involvement and so I -- I don't know
10 that I can answer that, because I
11 really don't know.

12 Q. (BY MR. BOWER) Well, the --

13 MS. FUMERTON: And you're
14 over -- we're over --

15 She says she doesn't know.
16 This does not refresh her
17 recollection, that she has no
18 knowledge of that document, and we're
19 over our seven hours.

20 MR. BOWER: Well, look. We're
21 over our seven hours for a variety of
22 reasons, a lot of which was discussion
23 with counsel on the record, so I'm
24 going to -- do you want to cut me off?

25 I have a few more questions.

1 It's your decision.

2 MS. FUMERTON: We're ending the
3 deposition.

4 Are we at seven hours?

5 We're ending the deposition.

6 MR. BOWER: Okay.

7 And just for the record, I do
8 have more questions on this document,
9 and other documents, and we will keep
10 the deposition open from our
11 perspective based on the witness's
12 refusal to answer certain questions
13 that were raised today based on the
14 lack of documents, including the
15 nondisclosure agreement, and based on
16 the other reasons discussed on the
17 record today.

18 MS. FUMERTON: Okay. Well, we
19 obviously disagree with that, but that
20 will be, I'm sure, a fight for another
21 day.

22 THE VIDEOGRAPHER: 5:47 p.m.
23 We are off the video record.

24 This concludes the video
25 deposition.

1 (Proceedings recessed at
2 5:47 p.m.)

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CERTIFICATE

I, DEBRA A. DIBBLE, Registered
Diplomate Reporter, Certified Realtime
Reporter, Certified Realtime Captioner,
Certified Court Reporter and Notary Public,
do hereby certify that prior to the
commencement of the examination, ROXANNE REED
was duly sworn by me to testify to the truth,
the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth, to the best of my
ability.

I DO FURTHER CERTIFY that pursuant
to FRCP Rule 30, signature of the witness was
not requested by the witness or other party
before the conclusion of the deposition.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney
nor counsel of any of the parties to this
action, and that I am neither a relative nor
employee of such attorney or counsel, and
that I am not financially interested in the
action.

DEBRA A. DIBBLE, RDR, CRR, CRC
NCRA Registered Diplomate Reporter
NCRA Certified Realtime Reporter
Certified Court Reporter

Dated: 15 January 2019

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the
6 appropriate space on the errata sheet for any
7 corrections that are made.

8 After doing so, please sign the
9 errata sheet and date it.

10 You are signing same subject to
11 the changes you have noted on the errata
12 sheet, which will be attached to your
13 deposition.

14 It is imperative that you return
15 the original errata sheet to the deposing
16 attorney within thirty (30) days of receipt
17 of the deposition transcript by you. If you
18 fail to do so, the deposition transcript may
19 be deemed to be accurate and may be used in
20 court.

	ERRATA		
	Page	LINE	CHANGE
1			
2			
3	_____	_____	_____
4		REASON:	_____
5	_____	_____	_____
6		REASON:	_____
7	_____	_____	_____
8		REASON:	_____
9	_____	_____	_____
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13	_____	_____	_____
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18		REASON:	_____
19	_____	_____	_____
20		REASON:	_____
21	_____	_____	_____
22		REASON:	_____
23	_____	_____	_____
24		REASON:	_____
25			

1 ACKNOWLEDGMENT OF DEPONENT

2
3
4 I, ROXANNE REED, do hereby certify
5 that I have read the foregoing pages and that
6 the same is a correct transcription of the
7 answers given by me to the questions therein
8 propounded, except for the corrections or
9 changes in form or substance, if any, noted
10 in the attached
11 Errata Sheet.
12

13 _____
14 ROXANNE REED

DATE

15 Subscribed and sworn to before me this
16 _____ day of _____, 20 ____.

17 My commission expires: _____
18
19 _____

20 Notary Public
21
22
23
24
25

	LAWYER'S NOTES		
	PAGE	LINE	
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2			
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